DEBATES IN CONGRESS.

PART IV. OF VOL. XII.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XII.

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solved, as between us and our public enemies, to stand by the country. I would have the country right, in all its controversies:

> "Thrice is he armed, that hath his quarrel just."

But I would not suffer my own personal impression of the right or wrong of its cause to impel me to the abandonment of that cause. I shall give my vote, and if need be my voice, as I have hitherto done, to every appropriation which is asked for in good faith, and sustained by reasonable evidence of its propriety. And it matters not to me whether the money is to be expended on the banks of the Merrimac of the East or the Merrimac of the West. Still it is my country.

Entertaining these general views of the public service, acting upon them in the votes I give in this House, I aver that, even upon the liberal rules of appropriation which I advocate and observe, there will remain in the Treasury, at the expiration of the present year, a surplus equal to the whole revenue of ordinary years. To illustrate the fact, I subjoin the following estimate of the appropriations, probable or certain, of the present year, made conformably to the opinions I have declared:

Appropriations proposed by the Secretary of the Treasury, - - - - -	$17,515,933
Appropriations in addition to the above, in the bill for the civil and diplomatic service, - - - - - -	607,250
Appropriations in the navy bill, - -	587,521
Appropriations in the bill for the Indian service, - - - - - -	1,165,332
Appropriations in the army bill, - -	97,239
Advance to the cities in the District of Columbia, amount payable the present year,	70,883
Appropriation for hostilities among the Seminoles, - - - - -	2,120,000
Appropriation for hostilities among the Creeks, - - - - - -	500,000
Appropriation for raising volunteers and dragoons, - - - - -	300,000
Bill for the defence of the Western frontier,	1,000,000
House bill, additional for fortifications, -	200,000
Appropriations for other objects in same bill, - - - - - -	882,053
House bill, additional for civil service, -	52,684
Private claims, - - - - -	100,000
Miscellaneous works of various kinds, light-houses, beacons, Cumberland road, public buildings, say - - - -	2,000,000
Add for other possible appropriations not enumerated, - - - - -	2,801,105
Total, exclusive of new Indian treaties, -	$30,000,000

Of this sum, there will remain at the end of the year, unexpended, not less than twelve millions of dollars. It exceeded eight millions the last year. It will increase in proportion to the increase of appropriations.

On the other hand, the execution of new treaties with the Indians will call for an appropriation to the amount of $6,259,241, which, for reasons heretofore stated, I do not consider it necessary to charge to the income of the current year.

Such is the result of my reflections on this important subject. I have treated it in good faith, actuated by a sincere wish to arrive at the truth, and especially to avoid all exaggeration as to the available surplus in the Treasury. The sum is large. It cannot be disguised or denied. No part of the surplus of 1835 can be reached by the expenditure of 1836. On the contrary, there is abundant reason to believe that, without speaking of unexpended appropriations, which cannot fall short at the end of this year of twelve millions, there will be an additional sum of unappropriated surplus of the revenue of 1836, to be added to the balance of credit from the last year.

I demand of the members of this House what is to be done with this great treasure? Shall it continue in the hands of the deposite banks, safe or unsafe, to be loaned by them for the benefit of individuals, yielding no advantage to the people of the United States?

We propose to you, on the one hand, the distribution bill. We say that, in principle, it is a just, wise, and proper measure. If it contemplates too large a distribution, diminish the sum. Leave in the Treasury all that is needed for the common defence and general welfare of the Union. Of that I would not touch a dollar. But the residue place in the hands of the States; restore it to the people themselves; let it be applied to the objects of local improvement, which may or may not fall within the scope of the constitutional power of Congress, but which are all-important to the prosperity and the strength of the United States.

If the distribution bill comes in conflict with the graduation bill, cannot the two objects be combined, thus reconciling and conciliating the rights of the old States and the interest of the new ones?

If neither of these things may be done, if it does not comport with the political views of the majority of this House to make an absolute donation of the surplus treasure to the several States—if there be a constitutional ingredient of this Legislature, not a member of the House, not a member of the Senate, whose possible action upon this subject gentlemen can suffer themselves to anticipate, so as to be affected thereby—then I ask the House whether this surplus treasure may not be placed in the respective State treasuries in the form of a deposite or loan? Such a measure would be infinitely less exceptionable than to have the Government of the United States come into the market as a great speculator in stocks, less than to retain the public treasure in the deposite banks at a clear loss of two or three millions of interest, perhaps in part of the principal; less than to squander it in mere idle wastefulness.

I believe in my conscience that a distribution of the surplus revenue ought to be made. The country requires it. The public interest demands it. I do not urge any plan for the disposition of the public money in the spirit of party agitation. Nay, if I sought a topic of party agitation out of this House, a means of rousing the just indignation of the people, I should wish for nothing better than to have Congress adjourn, by the will of the majority, leaving the public treasure dispensed among favored persons or corporations, to be used or abused at the discretion of the administration. Will the majority of the House give to the opposition such a manifest advantage? Will they not rather consult their interest and their public duty, by consenting to the passage of some law, either of grant or of deposite, which may place a portion of the surplus revenue in the control or custody of the respective States? I exhort them by every consideration of interest, I adjure them by every consideration of duty, not to suffer this session of Congress to terminate, leaving the public treasure unguarded, neglected, abandoned. Let us beware of this great wrong to the people and the States we represent.

With these remarks, it would have given me satisfaction to be able to close what I might wish to say on the subject of these resolutions. But there is one other topic which shows itself in the speeches of prominent friends of the land bill, and which I cannot pass unnoticed. I mean the suggestion that the North enjoys more than a due share of the advantages of the Union. It was very distinctly averred by the gentleman from Kentucky, who preceded me, [Mr. GRAVES,] as an argument in favor of the distribution bill, that the State of New York had received more of the public revenue than I know not how many of the States of the South and West, which he enumerated; that the North and Northeast were made rich by the public expenditures; in contrast with which was arrayed the liberality of the State of Kentucky towards the manufactures and commerce of the Atlantic States. The gentleman frankly admitted that he had not made any exact calculations on the subject. It would have been well, I think, had he looked into the figures carefully; because, had he done so, he would have ascertained that there is no foundation in fact for such grave charges in denial of the general and impartial value of the Union of these States.

I take leave to say we have heard something too much of the same tenor from the State of Kentucky, throughout the present session of Congress; and, if it were in order, I should say, in both its chambers. To me, a new member of the House, little versed, of course, in the details of its debates, few things have seemed stranger than the idea, so pertinaciously insisted on, that appropriations are to be made, not where the public service requires them, but in shares to the several States. At an early period of the session, after having heard such things more than once, a strong sense of their injustice drew from me a few observations, somewhat warmer, it may be, than gentlemen were accustomed to hear from the North. If I could suppose that, under the impulses of the moment, I overstepped the limits of manly controversy, I should be sorry of it. Certain I am, on ample reflection, and after deliberate investigation of the details of the question, that I did not go one hair's breadth beyond the truth, in the terms of condemnation which I applied to these reproaches on the States of the Atlantic, and especially the East. I spoke, to be sure, strongly, as I felt. Doubtless, members from other States are attached to their homes. So am I to mine. I can conceive that gentlemen should feel indignant, if they thought their State unjustly assailed: cannot they conceive that I should, also, if my State be unjustly assailed? Or is it imagined that members from the East are to kiss the rod that is raised to strike? Do so they who list. I desire friendship with every member of this House. But I have rights to maintain here, my own and those of my constituents; and I shall not shrink from any issue which their vindication may involve.

Deeming this question of the last importance, in its general bearing on the stability and tranquil action of the Government of the Union, I have taken some pains to probe the matter to the bottom. If the result of my inquiries were other than what it is, it would not be stated to the House. Some time since, a gentleman from South Carolina [Mr. Thompson] presented a variety of calculations, tending to show that the North was favored, to the injury of the South. That gentleman was answered, and he will permit me to say, with all due respect, triumphantly answered, by the gentleman from Maine, [Mr. Evans,] the gentleman from Virginia, [Mr. Garland,] and another gentleman from Maine, [Mr. Jarvis.] My view of the subject covers the whole United States. I shall demonstrate, by a detailed examination of the public expenditures in its various branches, and upon authentic documents, that there exists a striking equality in its distribution. How could it be otherwise? Witness the zeal and vigilance of members for the cause of their particular constituents. Bear in recollection the interest and the will of every administration to keep well, so far as it may, with all sections of the country. At any rate the fact exists. I shall show it, in terms courteous, but positive, as befits the consciousness of truth; and, sectional matter as it all is, I cannot but hope the effect will be to strengthen, rather than weaken, our common attachment to the Union.

All things done by man must have a locality. Whenever the Government of a country disburses money, it must be disbursed somewhere. Certain expenditures are, upon the face of them, absolutely and unequivocally national; as the charges of foreign intercourse, drawn and spent abroad. Others are apparently sectional; as the expenses of a land office in the West, or a light-house in the East. Now, it is natural that a measure local in name should be brought forward by local interests. It must be so, in the operation of local necessities, feelings, and knowledge. I cannot admit that because the members from a particular State, or tier of States, support a measure unanimously, the fact affords ground of presumption against a measure. Who should understand and advocate a thing, if not the members from the State most immediately concerned with it? As a member of this House, I lie under particular obligation to see to the welfare of my State. That is one thing for which we are severally sent here. Shall not the Representatives from the State of Ohio feel and act unitedly in the defence of their northern frontier? Shall not the Representatives from Alabama, Georgia, and Florida, take a deep interest in the measures necessary for the protection of their constituents against the hostilities of the Creeks and Seminoles? Surely. They support locally: we must not reject locally. Our decision should be national in its motives and scope, not sectional.

This whole doctrine of allotting out the public expenditures in shares is rotten to the core. Try it practically: strip it of all disguise, and apply it to any familiar fact. Suppose a bill before this House, proposing to appropriate money for the defence of the Southern frontier; and suppose members from the North to rise, under such circumstances, with the avowal on their lips: We cannot gainsay the propriety of this appropriation; there is flagrant war before our eyes, for the prosecution of which this money is indispensably necessary; but we will not grant it, unless you give us a corresponding sum of money to aid in the construction of such a canal or such a railway in our particular neighborhood. What would be said of this? What ought to be said? There is no language of censure, in the infinite combinations of human speech, which would be considered blasting enough for such a proposition. Yet the case put is but an obvious illustration of the doctrine, presented in the nakedness of its odious deformity. And I desire to tender to the gentleman from Ohio, [Mr. Hamer,] my grateful estimation of the patriotic nationality of sentiment which he has manifested, in occasional reference heretofore to this topic of debate.

We legislate for a vast country, with its long ocean frontier, and its immense interior expansion. In that stupendous valley of the Mississippi and its tributary waters, the far-western city of St. Louis is, it may be, the geographical centre of the territory of the United States. Our country is destined, possibly, to become coextensive with the continent. I do not speak of this as what I wish; but as what, in the expansive progress of our institutions, it may be impossible to avert. Nature has impressed geographical differences on this widespread surface of the United States. Part of it lies on the Atlantic ocean; part on the Gulf of Mexico; part on the inland seas of the North; and part on the thousand offsprings of the great Father of Waters. Our country embraces every diversity of climate, of soil, of location, of productions, which the terraqueous globe affords. Our occupations differ, as our lines are cast here or there within it. The manufacturing and commercial industry of the East, the agriculture and mines of the North and centre, the planting of the South and the West, all contribute to swell the sum of our greatness. We differ in the quality of the labor we respectively employ. So many multitudinous causes go to complicate the interests with which Congress has to deal. Our legislation is to be founded on all these facts, combined, compared, compromised, with reference to the parmount value of the Union.

Times have occurred, in which one or another of the States thought the power of the confederacy pressed heavily on her interests or her principles. It has happened to Pennsylvania, to Virginia, to Massachusetts, to South Carolina. Times have occurred, in which some of the States have thought they had not their due proportion of the benefits of the confederacy. I freely admit that in two of the States of the West, especially, there has been comparatively little of the public money expended in improvements or public works of any kind, comparatively little advantage received under the land system of the United States. I mean Kentucky and Tennessee. It is equally true of one of the States of the East, to wit, Vermont. So far as regards Kentucky and Tennessee, the fact is owing partly to their being intermediate, historically speaking, between the old and new States; partly to their felicitous geographical position, and other natural advantages; and not least to the fact that neither of them is a frontier State. It is not, I am sure, ascribable to any sectionality of feeling or action on the part of the East towards the West. No such feeling ever did exist; no such action ever did occur. We of the Atlantic States may safely challenge a scrutiny of the political and legislative records of the country, upon such a controversy. It will distinctly appear, in the sequel of my remarks, that it is not the West as a section, in any grouping or aggregation of which the States are susceptible, but simply the two States of Kentucky and Tennessee, which have thus failed to partake in the direct local expenditures of the Union. And the error, committed by the gentleman from Kentucky, consists in putting the question sectionally, when there is no tincture of sectionalism, as between East and West, in the facts of the case.

New York, it is alleged, has received more of the public moneys than all the States of the South or Southwest! When this remark struck my ear, it raised before my mind's eye the image of that great State, its boundless enterprise, its magnificent canal which unites the waters of the lakes and those of the ocean, its numerous lesser canals, its railroads, its liberally endowed system of public education. I began to doubt all the familiar facts of contemporaneous history. Did the United States subscribe any of its millions towards the construction of the Erie canal? Did the United States contribute lands, enough for the seat of an empire, to the public schools of the State of New York? Some such things, it seemed to me, I had heard of as falling to the lot of other regions of country; but I had read or imagined that New York was the child, as the Spaniard has it, of her own works; that by her own hands and with her own materials she had built up the structure of her unrivalled prosperity; that she had herself set the example, unaided and alone, of the prosecution of public works of interior communication, on that vast scale, which her success came to render so common throughout the United States.

But it is no question of single States. There is an obvious fallacy in so treating it. To do justice to it, we should take into view sections of country, disregarding political lines, and looking only to geographical relations, or to distinct regions inhabited respectively by a population of congenial interests, occupations, and productions.

I throw together, in one group, the States of the North and East—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Pennsylvania—ten; the States or Territories of the West—Ohio, Indiana, Illinois, Kentucky, Tennessee, Missouri, Arkansas, Michigan, Wisconsin—nine; those of the South—Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida—nine; and I proceed to show in what sums and proportions the public money has gone to each of these great sections of the Union.

By a calculation which I have before me, covering the period from 1789 to 1829, inclusive, it appears that there can be traced into the different States and Territories, excluding the District of Columbia, the sum of $119,455,187. Of this sum, $43,567,522, more than one third, went into Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida—one third in number, greatly less than one third in population, of all the United States. The plain fact needs no comment.

This calculation does not include the diplomatic charges of the Government, nor such portion of the charges belonging to war as evidently have no locality of expenditure. Nor does it include expenditures on account of the public debt; for the repayment of money to the public creditor, wherever he may dwell, is not an act of local partiality. Nor does it include pensions, which are the recompense of personal services and sacrifices, the debts of honor superinduced by war. If pensions were to treated as local expenditures, it would give occasion to inquire how it happens that so large a proportion of the persons entitled to pensions reside in particular regions of the country; a course of inquiry which a Northern man need feel no unwillingness to pursue.

For the rest, the calculation is conclusive as to the whole question, so far as it is a question between North and South; unless, indeed, we adopt the idea of the gentleman from South Carolina, [Mr. Thompson,] who, to arrive at a different result, reckons Maryland and Virginia among the States of the North. Such a position is evidently untenable. The doctrine would act fatally against itself, by the undue weight of relative population which it would cast upon the section of the North. It is contrary to the plain sense of the thing, also; since Maryland and Virginia belong to the South by the character of their labor and of their productions. They are essential parts of the slaveholding and planting interests. If, indeed, it could be admitted as a just and serious view of the subject, I should heartily welcome the Old Dominion among the States of the North. I am sure Virginia and New England have in the past time breasted shoulder to shoulder shock after shock, and should feel themselves cemented together by the blood of their fathers commingled in many a well-fought and hard-won battle-field, and by their common attachment to the Union. If there is to be a geographical line run through the constitution, I rejoice that, after all, it is not Mason and Dixon's.

It would be wearisome to run over all the details of public expenditure, in reference to the question under debate. Instead of this, I shall select, for detailed analysis, several classes of expenditure, which are those chiefly discussed, and which abundantly illustrate the whole subject.

I begin with the fortifications of the maritime frontier.

All the money hitherto expended on these fortifications has been distributed as follows: (Sen. Doc. 24th Cong., No. 203.)

Northern States on the Atlantic.

Maine	0
New Hampshire	0
Massachusetts	157,309
Rhode Island	962,369
Connecticut	0
New York	1,022,132
Delaware	107,136
	$2,248,946

Southern States on the Atlantic.

Maryland	454,103
Virginia	3,127,837
North Carolina	760,869
South Carolina	324,426
Georgia	286,184
	$4,953,419

On the Gulf.

Louisiana	1,444,529
Alabama	1,026,777
Florida	704,422
	$3,175,728

Upon this table, it is to be remarked, first, that the entire system of which these fortifications form a part, was arranged in 1821, by a commission composed of General Bernard, Captain Jesse D. Elliott, and Colonel Totten. It was arranged under the auspices of a Secretary of War from the State of South Carolina, John C. Calhoun, and adopted by President Monroe. It is not the fruit, therefore, of Northern councils or partialities. Secondly, in that plan, the works to be constructed were divided into three classes. The works for the protection of Burwell's bay and of Boston roads were placed among the first in order of execution, chiefly because Norfolk and Boston were designated to be the great naval arsenals of the country; the one for the South, the other for the North. Certain works in South Carolina were placed in the second and third classes. Yet, by some under-current of causes, fortifications at Charleston are in an active and efficient state, while those of the Chesapeake are still incomplete, and those of Massachusetts bay almost neglected. A single ship of war might sail up and cannonade Boston or New York with perfect impunity. Finally, it should be borne in mind that the fortifications on the Gulf are essentially defences for the business and population of the West.

What fortifications have been completed? In the whole North, with its exposed coast, its numerous and wealthy cities, to tempt an invading foe, only two: Fort Hamilton and Fort Lafayette, at New York. In the South, four: Fort Washington, in Maryland; Fort Macon, in North Carolina; Castle Pinckney, in South Carolina; and Fort Morgan, in Alabama. In the West, five: Fort Pike, Fort Wood, Fort Jackson, Battery Bienvenu, and Tower Bayou Dupré, all in Louisiana.

We have two armories, one at Springfield, in Massachusetts, for the North, the other at Harper's Ferry, for the South. In the public expenditures at each, there has been a very near approach to equality, it having been, at the former, from 1816 to 1834, inclusive, $3,411,765; at the latter, $3,230,884. (Ex. Doc., 24th Cong., No. 44, p. 365.) An armory is, doubtless, required at the West. The establishment of it has been under consideration for eighteen years. Why has it not been constructed? A Western man, at the head of the Committee on Military Affairs, [Mr. R. M. Johnson,] himself tells us it is because of the inability of Congress "to reconcile contending interests as to its location." (House Reports., 24th Cong., No. 373.) "Contending interests" in what quarter? Of the East against the West? No! in the heart of the West itself; an edifying example of the mischievous effects of this narrow localism of spirit. I trust that, so far as regards this armory, the evil will not outlive the present Congress.

There is a like regard to the wants of the various parts of the country in the distribution of arsenals and of depots for arms, as appears by the following table: (Ex. Doc., 24th Cong., No. 44, p. 347.)

North.—Augusta, Maine; Watertown, Massachusetts; Vergennes, Vermont; Watervliet, New York; Rome, New York; New York, New York; Frankford, Pennsylvania.

South.—Washington, District of Columbia; Pikesville, Maryland; Richmond, Virginia; Fort Monroe, Virginia; Augusta, Georgia; Mt. Vernon, Alabama; Appalachicola, Florida; Charleston, South Carolina; Fayetteville, North Carolina.

West.—Detroit, Michigan; Pittsburg, Pennsylvania; Newport, Kentucky; St. Louis, Missouri; Bellefontaine, Missouri; Baton Rouge, Louisiana. Two new ones, not located.

That is, seven in the section of the North and East, including Lakes Champlain and Ontario, and seventeen in the two sections of the South and the waters of the West.

Leaving the article of military works, I proceed to another local expenditure, that of light-houses.

There have been expended on light-houses, in the period from the organization of the Government to the end of the year 1833, the following sums: (Ex. Doc. 2d sess. 23d Cong., No. 89.)

Maine and Massachusetts,*	$961,292
New Hampshire,	82,376
Rhode Island,	133,422
Connecticut,	175,266
Vermont,	6,662
New York,	514,955
New Jersey,	4,925
Pennsylvania,	33,400
Delaware,	324,861
	$2,237,159

District of Columbia,	$3,000
Maryland,	155,847
Virginia,	361,338
North Carolina,	381,450
South Carolina,	182,827
Georgia,	275,513
Florida,	229,791
Alabama,	27,828
Louisiana,	199,736
Mississippi,	18,852
	$1,836,182

Be it remembered, in anticipation of any remark as to the excess of expenditures upon the Northern division of the Union, that it is perpetually thronged, at all seasons of the year, with coasting and fishing vessels, plying along shore; that the registered seamen of the one and the other division are in the proportion of 5,442, to 1,010; (Ex. Doc., 24th Cong., No. 163;) and that of the entire tonnage of the country, about thirteen fifteenths belong to the ten first-named States. (Ex. Doc. 2d sess. 23d Cong., No. 187, p. 298.)

Now, to the vexed question of internal improvements. This expression is a very vague one, as we all know. In the action of Congress, it is applied to the improvement of the means of moving from place to place, whether in bays and ports of the sea, or rivers, or across the land by canals and roads. To what extent the constitutional power of Congress in this matter reaches, and especially what interior communications are to be deemed national and what not, is among the unsettled points in the construction of the constitution. The following table will show the amount expended within the several States on this class of public works, from 1789 to 1833, inclusive: (Ex. Doc. 2d sess. 23d Cong., No 89.)

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* I place Maine and Massachusetts together, because the expenditures cover the period when they were one State.

States of the North.		States of the South.		States of the West.	
Population 5,619,129.		Population 3,838,697.		Population 3,205,597.	
Maine,	155,354	Maryland,	0	Ohio,	859,124
Massachusetts,	355,739	Virginia,	80	Kentucky,	0
New Hampshire,	35,529	North Carolina,	197,573	Indiana,	270,465
Rhode Island,	230	South Carolina,	0	Illinois,	81,376
Connecticut,	47,498	Georgia,	17,914	Michigan,	206,104
Vermont,	0	Florida,	188,372	Missouri,	44,467
New York,	446,271	Alabama,	169,978	Tennessee,	27,200
New Jersey,	100			Mississippi,	65,771
Pennsylvania,	54,841		$573,917	Arkansas,	120,798
Delaware,	604,371			Louisiana,	46,553
		Dis. Swamp can.,	200,000	Nav. Ohio and Miss.	394,513
	$1,699,933	Chesapeake and Ohio Canal,	999,000		$2,116,371
				Cumberland road,	3,723,530

Several additions to and comments upon these tables are necessary to the full understanding of the facts.

Though Delaware lies almost wholly south of Mason and Dixon's line, I place it in the first column, because the money expended upon it has been quite as much for the benefit of New Jersey and Pennsylvania as Delaware. I place Louisiana in the third column, because much of the expenditures of the West have been for the improvement of rivers; and, in regard to this point, the interest of Louisiana cannot be separated from that of the great valley of the Mississippi.

It would seem, at first impression, that the proportion of public money expended in this way south of Mason and Dixon's line, as compared with the money expended at the North, was in the proportion of one to three, or, measuring it by the ratio to the gross population on each side of the line, one to two; that nothing had been expended in Maryland, next to nothing in Virginia. If it were so, it would be pertinent to refer to the constitutional opinions of the South in elucidation of the circumstance. But it is not the fact. To the sum of 573,917 dollars directly expended, we have to add, of subscriptions prior to 1834, the sum of 200,000 dollars to the Dismal Swamp canal, in Virginia, which stock is at a discount; $999,000 to the Chesapeake and Ohio canal, in Maryland, at a loss of more than a half a million, without reckoning later sums, appropriated to the same object; and $450,000 to the Chesapeake and Delaware canal, partly in Delaware, and partly in Maryland, which has no market value. If these things be taken into consideration, and especially if the calculation on both sides be brought down to the present time, the difference in favor of the North vanishes.

But the most interesting points of comparison as to this are between the States of the East and the West. Manifestly, the sum expended in the ten States of the North and East is much less than the sum expended in the eight States and two Territories of the West. I have omitted to reckon the subscription of $233,500 to the Louisville and Portland canal, because of the value of the stock; but if the contemplated appropriation to render that canal public should pass both Houses, it will add a million of dollars to the sum total of the column of the West. And shall we say nothing of the Cumberland road?

Down to the close of 1833, the cost of the Cumberland road was 3,723,530 dollars. To the same period, the total cost of internal improvements, fortifications, and light-houses, all together, in all New England, was but 3,506,751 dollars. Am I told that the Cumberland road unites the Atlantic and the West? So do the admirable public works constructed at her own expense by the State of Pennsylvania. So do the series of canals and railways, constructed or undertaken at the sole expense of the States of New York and Massachusetts, from the Lakes to Albany, and thence diverging to the cities of New York and of Boston. That it adds to the value of the public lands. So do these. That it is beneficial to the whole country. So are these. That it is a national work. Be it so, if you will. And are not the fortifications and other public works on the maritime frontier, by tenfold greater force of reasoning, national in every element that goes to constitute nationality?

To enter into every one of the details of this extensive subject would be irksome to myself and to the House. I abstain from doing it. The more you investigate the question, the more conclusively will you make it appear that all these complaints are fallacious in principle and unfounded in fact. It is the inside of a house, the seat of ease and comfort, finding fault that money is expended on the exposed outside, for the common benefit of the whole edifice and all its inmates. It is impossible, without some pretty radical change in the nature of things, to have a country which is all interior and no part frontier. That frontier has the advantage, if advantage it be, of the money employed in frontier expenses. And it bears the first brunt of battle. Would it not be immeasurably ridiculous for me to complain that the inhabitants of Massachusetts, peaceably pursuing their accustomed avocations, do not enjoy the privilege of seeing some millions of public money spent among them in the very pleasant way it now circulates in Florida? In a word, the expenditures of the frontier of the United States, whether applied on the Ocean, the Gulf, or the interior, are nevertheless expenditures for and of the heart of the country which they cover and protect.

Men of high public estimation have soberly affirmed in Congress, that so many millions, drawn from the West, are expended on other parts of the Union. Self-delusion can hardly go beyond this point. I have shown how and where the public money is disbursed. A word as to how and where it is obtained.

Our revenue from customs is a voluntary tax paid by the consumer of dutiable merchandise. In proportion to the general diffusion of wealth and competency, and to the habits of expense, characteristic of any part of the country, will be its contribution to this branch of the public taxes. It is obvious to perceive that the section of the North and East consumes far more of commodities subject to duty than either that of the South or that of the West.

Our revenue from the public lands has the appearance of coming from the West. It is notorious, however, that far the larger part of the purchase-money is provided by emigrants or capitalists of the Atlantic States. We are every day pouring out our population and our riches into the capacious lap of the West.

There is one other topic which it would be unjust, in view of both sides of the question, to pass over. I have submitted authentic details in regard to most of the fixed public works. Our marine hospitals on the seaboard are paid for by our seamen out of their own hard earnings, and have nothing to do with the subject. Some appropriations have been made latterly for the construction of custom-houses. The commerce of the country demands it. I can find many an offset for the cost of them, by looking into the disposition of the public lands. But our navy yards, and the current expenses of the naval service, which are of course on the seaboard, call for consideration. I suppose it must be through these current expenditures of the naval service that the gentleman from Kentucky [Mr. Graves] imagines that the section of the North and East is growing rich by the disbursements of the public money.

It is true enough that our navy yards are on the coast, either of the Atlantic or the Gulf. I suppose they would be of very little use on a mountain of the interior, very little in the midst of a prairie. What slight inequality there is in the fact that four of our seven yards are situated at the North, and only three at the South, has been the natural consequence of circumstances wholly independent of the action of the Government. Where is the mercantile marine built, owned, and manned? Who finds the ships which convey to market the vast productions of the South and West? It is the North, simply because the South has a local advantage in the character of its soil, which as it were extinguishes other branches of industry by its superior productiveness, as the sun does the light of the stars. Cotton-planting is so profitable, that ship-building and other manufactures, or even the production of the necessaries of life, are comparatively neglected by the people of the South. Besides, every thing connected with ship-building is done cheaper at the North. It is not Government patronage which enables me to build a merchant ship at the North, and employ her at the South.

In the country, or section of country, where the mercantile marine flourishes, there will the military marine flourish. You may transfer it to other localities, for great considerations of public good; you may create ports to receive it, where suitable ones were not provided by nature. Still, it is an exotic, sustained by cost and care; not a hardy plant, springing up spontaneously in its native soil.

Now, as to the current expenditures for the service of the navy. All articles of merchandise tend towards some great market, within the sphere of which they are produced. Their price has reference to that market. To obtain them on advantageous terms, a purchaser will go, as a matter of course, either to the place of production or to the place of market. This law of trade regulates the actions of private individuals, looking only to their own business. It applies to the purchases made by the United States, with this additional circumstance, that the Government buys on advertised proposals of contract. It does not go to the seller. It makes known its wants, and invites offers. It is immaterial to the Government where the contractor lives, where he collects the supplies that he furnishes, or where the profits he makes are to be invested or spent. The Government looks only to the quality of the article and the price; except that, as in duty bound, it seeks for things of the growth or manufacture of the United States, in preference to imported merchandise. It opens a free competition to every inhabitant of the country, whether he be of the North or the South, the East or the West. If the people of any State—South Carolina, for instance—do not put in for contracts, we are to presume it is because they do not produce the article wanted, or have other business that is more profitable.

Ay, but the still-reproached East, the ever-patient East! We, it seems, grow rich by the expenditure among us of the money of the United States. Absurd! We prosper, as we did before this Government existed, and as we should if it were to cease to exist in this hour, by the energies that are within us; by the properties of character which our sect and our fathers displayed in the overthrow of the monarchy of England, which brought them hither to this New World, and which marshalled them forward into the van of the battles of the Revolution.

I aver that the Government expenditures in the States of the East are not sufficient to exert any sensible effect upon their general industry or prosperity. Take an example, to show the truth of the case in the clearest light. Suppose you are to expend half a million of dollars in the construction and equipment of a ship of the line. What portion of the materials of that ship is furnished by the States of the East? Timber? No, that comes from Florida, and elsewhere at the South. Sails and cordage? Cotton is from the South, and hemp from Russia, or from the State of Kentucky. Copper, iron, lead? These are from Pennsylvania, from Wisconsin, or from foreign countries, except now and then a little iron smelted from bog-ore at the North. Flour? We import corn and wheat in vast quantities for our own consumption; we have none to sell to the Navy Department. Molasses, sugar, rice? None of these are produced in Yankee land. Pork and beef? They come to us from the great pastures of the interior, from the banks of the Ohio, from the State of Kentucky itself. To scarce any thing of all the costly materials and equipments of that ship can New England lay claim, unless it be a few white-pine spars and locust treenails, which are among the most insignificant of the items in the charges of her construction. Some things, however, our soil has contributed to the composition of the navy. We have given you the skill and science to shape and combine its inanimate materials, the productions of your forests, your fields, and your mines, and to form these into noble fabrics, which walk on the water at our command as things of life. We have given you the brave sailors, who man your gun-decks, and who, in the darkest hour of doubtful warfare, threw themselves into the strife, summoned back victory to your standard, and caused its star-spangled folds to fling themselves out in triumph once again to the breezes of their own blue heaven. These are the things which the East contributes to the navy of the Union.

In these remarks, I act wholly on the defensive. I deny the alleged fact of inequality in the distribution of the public expenditures; I deny the alleged causes or motives of the supposed inequality. There are two sides to this question. If I chose to do it, I could easily turn the tables on gentlemen, and from defence proceed to attack. Hundreds of times I have heard it complainingly said at the North—We pay for our lands, without any favors as to time, or reduction as to price, on the part of Government. No millions have been expended among us in the extinguishment of Indian titles. We have no profitable pre-emption speculations. No money by millions of dollars, no land by millions of acres, has been bestowed on us for aid in the construction of canals, roads, and railways. Our country is filled with common schools and the higher institutions of instruction, with no thanks to the rest of the Union; for not to us, as to the States of the West, has Congress given 9,030,469 acres of public land for the uses of education.

I denounce all such murmurs against the West, when I hear them in the mouths of my constituents at home; and I denounce all such murmurs against the North, when I hear them in the mouths of the members of this House. To the North I say: The five millions expended on the Cumberland road, the two millions of acres of public land, and the two or three millions of dollars in money, appropriated to similar objects, have been carried by the votes of your own representatives in Congress; that vast donation of lands to the new States of the West for the aid of education, like the perpetual prohibition of slavery in a part of the same region, was the large and enlightened idea of your own Nathan Dane; and I honor and applaud the patriotic forecast, and the generous liberality, which looked to the good of the whole nation, instead of shutting up the mind in the narrow limits of a single State. I am sorry that the same lawgiver did not possess a yet wider field for the operation of his ordinance.

To the West, in general, I say: You are mistaken as to the facts, when you suppose there is partiality in the action of the Federal Congress to your prejudice. It is quite the other way, as mathematical demonstration will show.

To Kentucky I say: The inequalities of which you complain are State inequalities, not sectional ones. Thus, we have spent in New Hampshire for internal improvements 35,529 dollars, in Vermont nothing; in North Carolina 197,573 dollars, in South Carolina nothing; in Kentucky nothing, and 859,124 dollars in Ohio. The simple juxtaposition of these examples of inequality proves that there is nothing sectional in the fact, unless you mean to hand over Ohio and Louisiana to the East, in the same deed, and by the same rule of transfer, which carry Virginia.

To every member of this House, whatever spot of the Union he represents, I say: Away with these local complaints; I am ashamed of them; they are unworthy of an American Congress. I have three sufficient answers for all such complaints. In the first place, it is immaterial to me where the money of an appropriation is to be expended. Is the appropriation constitutional? Is it required by the public service? These are the questions to be asked. In the second place, there is no just foundation for the complaints. I concur to the letter in the sentiment of the gentleman from South Carolina, [Mr. Thompson,] that a union of States, such as ours, like the relations of private friendship, to be lasting, must be one of perfect equality. I say this equality exists to all practical purposes, on a fair and general view of the great sections of the Union. And if a State were to come here and say it could not be loyal without money, I would sooner spend money on it needlessly, lavishly, wastefully, ay, throw money away on it, than see it disaffected for want of expenditures within it, under the impression that it is unfairly treated by Congress or the sister States. Finally, whatever inequalities of this kind there might be, I say they would be counterbalanced a thousand-fold by the general benefits of the Union—the exemption of the States from domestic wars, border differences, impediments of intercourse—and their unity of force in foreign affairs. It is frequently said by gentlemen from the West, that the cost of Louisiana and Florida should not be charged to the receipts of the public lands, because of the political advantages of the acquisition to the whole Union. Be it so, but let the same rule be applied to other public expenditures. Remember that great objects cannot be attained except by the compromise and sacrifice of minor objects. Call to mind the strikingly pertinent observations of a celebrated statesman in reference to this subject: "All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire." This consideration lies at the very foundation of a Union which, in its beautiful system, realizes the dreams of St. Pierre and Rousseau, of a continent confederated in the cause of civilization and peace.

In conclusion of all the statistical details with which I have troubled the House, I have these further facts to present. The electoral colleges of New England have supported Southern men for the chief magistracy of this nation three times unanimously, once with but one negative, again by large majorities—but from the organization of the Government to this day, only nine votes have been thrown by all the States south of the Potomac for presidential candidates north of that river. Add to which, the corresponding fact of one or the other of two candidates for the presidency, presented by the West, having been warmly supported by nearly the entire mass of the population of New England. I do not speak of this in reproach of the South or the West, but simply in vindication of the justice and fairness of the North.

Our country, with all its sectional diversity of views and feelings, is one. It is one in the rich, manly, vigorous, expressive language we speak, which is become the vernacular tongue as it were of parliamentary eloquence, the very dialect of constitutional freedom. It is one in the fame of our fathers, and in the historical reminiscences which belong to us as a nation. It is one in the political principles of republicanism which we feel and profess in common, no matter in what spot of earth our portion be cast. It is one in the substantial basis of our manners, in the warp, at least, of which the web is woven. It is one in the ties of friendship, affinity, and blood, binding us together throughout the whole extent of the land, in the associations of trade, of emigration, and of marriage. It is one in the general balance of interests and of business, arising from our mutual wants and the reciprocal interchanges of the products of our industry. It is one in our exterior relations, protected as these are by the honored flag of the Union. It is one in that glorious constitution, the best inheritance transmitted to us by our fathers, the monument of their wisdom and their virtue, under whose shelter we live and flourish as a people.

One we are in fact, one should we be in sentiment. To this great republic, union is peace, union is grandeur, union is power, union is honor, union is every thing which a free-spirited and mighty nation should glory to possess. To us all, next to independence, next to liberty, next to honor, be we persuaded that a cordial and abiding confederacy of the American people is the greatest of earthly goods. We, the several States which compose it, entered into it with conciliation to the people of our sister States in our hearts, and compromise of all secondary interests in our acts. Thus let us persevere, with the same emotions, fresh and bright as in the first conception, and welling forth in exhaustless abundance from our bosoms; feeling that, like the fabled fountains of Florida, they are capable to communicate matchless beauty and everlasting youth to this our beloved republic.

That, unlike other political societies, this will endure unchangeable forever, I cannot hope; but I pray to God, if, in the decrees of his providence, he have any mercy in store for me, not to suffer me to behold the hour of its dissolution: its glory extinct; the banner of its pride rent and trampled in the dust; its nationality a moral of history; its grandeur, a lustrous vision of the morning slumber, vanished; its liberty, a disembodied spirit, brooding, like the genius of the past, amid the prostrate monuments of its old magnificence.

And there is, in the burning chambers of the dread hereafter, no infinite of wrath vast enough for him, who, Eratostratus-like, to be remembered only for infamy, shall apply the torch of destruction to this fair Ephesian temple of our Union. That time, in some long, long future age, and that person may come, for the overthrow of our country. Accursed be the traitor, whensoever and wheresoever shall be his advent among us, like the spirit of evil, issuing from his realms of darkness to trouble the pure bliss of Paradise. To him that shall compass or plot the dissolution of this Union, I would apply language resembling what I remember to have seen of an old anathema: Wherever fire burns or water runs; wherever ship floats or land is tilled; wherever the skies vault themselves, or the lark carols to the dawn, or sun shines, or earth greens in his ray; wherever God is worshipped in temples or heard in thunder; wherever man is honored or woman loved—there, from thenceforth and forever, shall there be to him no part or lot in the honor of man or the love of woman. Ixion's revolving wheel, the overmantling cup at which Tantalus may not slake his unquenchable thirst, the insatiable vulture gnawing at the immortal heart of Prometheus, the rebel giants writhing in the volcanic fires of Ætna, are but faint types of his doom.

I speak plainly and strongly, as I feel, and without mincing my words; because I believe it to be the duty of every man, and especially of us, who are among the appointed sentinels of the constitution, to look well to these the issues of life and death to this nation. I do not, I cannot, I will not, believe that opinions, adverse hereto, exist any where within the bounds of the republic; and I would forestall their possible future up-springing. I would have our allegiance to the Union unshaken and unshakeable; our constancy in the public cause, fixed as the north star in the firmament; our dedication to its interests, a vestal fire burning on with an unextinguishable flame forever. Here, in the eyes of our countrymen and of the world, with the muse of history before us to record our deeds and our words, let us, like Hannibal at the altar of his gods, swear eternal faithfulness to our country, eternal hatred to its foes. Show we that we are wedded to the Union for weal and for wo, as the fondest lover would hug to his heart the bride bound to him in the first bright ardor of young possession. We have not purposed to embark in this venture only to sail over the smooth surface of a summer sea, with hope and pleasure to waft us joyously along, but with resolved spirits, ready to meet, like true men, whatever of danger and vicissitude may descend upon our voyage, and to stand up gallantly for the treasure of honor and faith intrusted to our charge. Rally we, then, to the stripes and stars, as the symbol of glory to us, and the harbinger of liberty to all the nations of the world. So long as a shred of that sacred standard remains to us, let us cling to it with such undying devotion as the Christian pilgrims of the middle age cherished the least fragment of the cross; and let us fly to its rescue, when periled, whether by foreign or domestic assault, as they did to snatch the holy sepulchre from the desecration of the Infidel.

When Mr. Cushing had concluded,

Mr. HAYNES rose and addressed the House as follows:

Whatever opinions may be entertained upon the subject now under consideration, it cannot be thoroughly and correctly understood without reference to the early legislation of the country, and the claims, so pertinaciously set up on the part of some of the States, that the waste lands held by certain other States were the common property of the Union. It is not here necessary to inquire at what period or by what State this claim was set up, as these facts may be readily ascertained by an examination of the journals of the Congress of the Confederation. Nor can it be for a moment apprehended that any attempt will be made to evade or deny the assertion that such a claim was made to these lands, as the common property of the Union, on the ground that they had been acquired by the common efforts and expenditures of that Union. Every one conversant with the history of revolutionary times knows that the ratification of the articles of confederation was postponed and suspended by several of the States, in the hope of coercing this concession from such States as possessed waste and unappropriated lands. Such were the apprehensions entertained of the effects to be expected from the delay of their ratification, as to call into exercise the efforts of our generous and powerful ally, the King of France, to induce the States which insisted most obstinately upon this prerequisite to waive their objections, and perfect the Union by ratifying the articles of confederation. Congress, from time to time, both for the purpose of satisfying the claims of the dissatisfied States, and for the further purpose of providing a fund for the payment of the debt of the Revolution, and for bounty to the officers and soldiers who entered the service for and during the war, urged the States to cede these waste and unappropriated lands. It may be true that a majority of the States never did recognise the claim thus set up for the Union, but it is equally certain that such claim operated powerfully to induce the several States which owned unappropriated lands to cede them, or a portion of them, to the Union.

In the preamble to the act of cession from the State of New York, of the 9th of March, 1780, the motives referred to are distinctly expresssd in the following terms: "Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance, on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war; and the people of this State of New York being, on all occasions, disposed to manifest their regard for their sister States:" "Be it further enacted by the authority aforesaid, that the territory which may be ceded or relinquished by virtue of this act shall be and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever." Whether this cession from the State of New York conveyed anything or nothing to the Union, the motives which influenced it are alone to be considered, to induce the dissatisfied States to ratify the articles of confederation, which was not finally done until the 1st of March, 1781, and to provide a common fund for the benefit of the Union.

Following up the example, and in furtherance of the principle of New York, the General Assembly of Virginia, with certain reservations, did, on the 20th of October, 1783, pass an act ceding her territory northwest of the Ohio to the United States, upon condition "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the aforesaid purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia, inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bonafide disposed of for that purpose, and for no other use or purpose whatsoever."

The terms of the cession made by Massachusetts, on the 19th April, 1785, are "transfer, quit claim, cede, and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate, of and in, as well the soil as the jurisdiction," &c. Connecticut, by her act bearing date the 14th October, 1786, cedes "to the United States in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive." North Carolina, by her act of cession of 2d April, 1790, cedes her waste lands, with certain reservations, "as a common fund, for the use and benefit of the United States of North America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." In like manner, Georgia, by her compact of cession, entered into with the United States on the 2d of April, 1802, after expressing certain other stipulations, declares, "that all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognised by the previous conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." As the phraseology of the cessions from Virginia and North Carolina is somewhat peculiar, it may not be improper to show what was the mode of ascertaining the "usual respective proportions in the general charge and expenditure" of the several States of the confederation; although it may not be difficult to show that this particular mode of expression in no respect varies the character of the cessions of North Carolina and Virginia from those of the other States, nor can it be made the foundation for a mode of distribution differing in the smallest degree from that established by the cessions from the other States.

The eighth article of confederation prescribes the rule by which the requisitions upon the States for money shall be regulated, and is in the following terms: "All charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint." When it is remembered that the Congress of the confederation possessed no powers of taxation, properly so called, either direct or indirect; that the only mode of creating revenue was by requisitions upon the several States; that several of the States did, for a series of years, contend that the waste land, lying in any one of the States, was rightfully the property of the Union; that the ratification of the articles of confederation was delayed for the purpose of procuring, if possible, the recognition of this principle; that the first cession was made in reference to such claim, and for the purpose of facilitating their ratification; and especially, when we collate the article above quoted with the language of the various cessions, it would seem to be impossible to give such a strained construction to the plain import of plain language, as to derive for Congress, from the terms of any single cession, the power to distribute the proceeds of the sales of the public lands among the several States.

But to be more explicit. The cession from Virginia, which, it is contended, conveys the power to distribute the money arising from the sale of the public land, conveys that land to the United States as a "common fund." The article of confederation above quoted declares that "all charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States, shall be defrayed out of a common Treasury." The Virginia cession provides that the land ceded shall be a common fund, for the benefit of the States, "according to their usual respective proportions in the general charge and expenditure," and for no other purpose. The article of confederation provides that the "common Treasury shall be supplied by the several States," according to the standard therein directed. Both instruments provide the same means for the accomplishment of the same objects: a "common fund," a "common Treasury," to meet "the general charge and expenditure, which shall be incurred for the common defence and general welfare." In the one case, the "common Treasury" is to be raised by requisitions upon the respective States; and in the other, the "common fund" is created by the patriotic and distinguished liberality of a single State. Could it have been possible, without using the same terms, to have expressed an entire concurrence of purpose more perfectly than it is expressed in the article of confederation referred to, and the cessions from the various States, especially the State of Virginia? Other considerations enforce this view of the subject as conclusively as if it had been established by mathematical demonstration.

At the time the several cessions were made, no man ever dreamed that the sale of the public lands would ever furnish a fund for distribution among the States. The country was overwhelmed with debt; the Government had not the power to enforce the collection of requisitions of money from the States; and the strongest fears were entertained that the pressure of common danger being withdrawn, the arch of the Union would tumble into ruins. To meet the crisis—to "render the federal constitution adequate to the exigencies of Government and the preservation of the Union"—the convention was assembled in 1789, whose consultations resulted in the formation of the admirable constitution under which we now live. What were the exigencies of Government for which the convention was required to provide? The most important and pressing was the creation of a fund for the redemption of the public debt, by the adoption of such a system of taxation as might enable the Government to meet its pecuniary responsibilities without the delays, and vexations, and disappointments, and refusals, which had invariably attended the plan of raising revenue by requisitions upon the respective States. And yet, in this state of things, when the Government was bankrupt—when the States were resorting to the extraordinary measure of creating a general central Government, and giving to it the power of direct taxation over their citizens, and the entire control of their commerce, for the purpose of creating "a common fund" for the redemption of their common debt, and when scarcely any other exigency could have induced them to make such concessions—we are now gravely told that the "common fund," created by the cessions of portions of their public lands by the States, for meeting "their usual respective proportions in the general charge and expenditure," and "for no other use or purpose whatsoever," was merely intended to enable this General Government to collect money from the people of the United States with one hand, and distribute it to the Governments severally with the other. And not only this, but that, in doing so, "their usual respective proportions in the general expenditure should be entirely disregarded."

Having very briefly and imperfectly adverted to the cessions of public lands from the several States, it is proper and necessary to inquire into the nature of the contracts by which other public lands have been acquired by the United States; and here it is not intended to follow the track which has been generally pursued by those entertaining the same views upon this subject. Much has been said of the comparative cost and revenue of the public lands. With great deference to the opinions of others, this is not believed to be the most correct view of the subject. It has already been shown that the cessions of land by the several States to the Union were intended as contributions to that "common Treasury" spoken of in the articles of confederation, to meet the "expenses incurred for the common defence," as expressed in the same article, and for "no other use or purpose whatsoever," as is expressly provided in the cession from Virginia. It is believed that as little difficulty exists in showing that the purchases from foreign nations belong to the same "common fund" with the lands received from the States of this Union. It is not necessary here to state an account of debit and credit between the land fund and tax fund, for the purpose of showing on which side a balance may preponderate, although such comparison may fall into a subsequent part of this inquiry. It will be sufficient to show by what means such purchases of lands were effected. No man at all acquainted with the history of this country can be ignorant that Louisiana was purchased from France, and Florida from Spain; nor that the first cost fifteen and the latter five millions of dollars, without estimating interest, difference of exchange, or any other incidental charge; nor will it be pretended that they were not paid for out of the public Treasury, out of that very "common Treasury" designed to provide for the "common defence" of the whole Union, as contradistinguished from its separate parts. How, then, can it be pretended that the money arising from the sale of the lands acquired by the purchase of Louisiana and Florida stands upon different ground, with respect to distribution, from money brought into the Treasury by taxation? Nor can this view of the subject be too clearly or strongly enforced upon the public mind.

The present constitution had for its object the perpetuity of the Union, and for that purpose conferred on the Federal Government certain powers, to be exercised for certain defined and specified purposes, and no others. Among these was the power "to levy and collect taxes, duties, imposts, and excises;" and for what purpose? "To pay the debts and provide for the common defence and general welfare of the United States." The "common defence," "the general welfare" of the United States—that "defence" and that "welfare," which are "common" and "general" to the "United States" as a confederacy, as a whole, as contrasted with and distinguished from its several parts—not that vague common defence and general welfare understood by some to confer unlimited power of taxation and appropriation upon this Government, but such as may be provided for and promoted by the exercise of the powers definitely and specifically granted in the constitution, and by no other. If this view of the subject be correct—and it is not only intact, but believed to be intangible—it follows irresistibly that Louisiana and Florida were paid for out of the tax fund collected out of the pockets of the people for certain specified purposes; and, as an unavoidable consequence, that the public lands within their limits are bound, by every principle of law and equity, to stand in the place of the fund from which they were paid for. It then results in this: that this Government, for the better providing for the common defence and general welfare, appropriated a portion of the public money collected from the people in the purchase of stock, to be thereafter disposed of to the best advantage for the promotion of the objects for which the taxes were raised, and is therefore the trustee of the people for the faithful application of the proceeds of that stock for such purposes, and no other. It is useless to answer, that as the stock is worth more than the money it cost, the States are entitled, as bodies politic and corporate, to the profits, by a ratable distribution among them. The fund with which these purchases were made was not contributed by the States. It was contributed in the form of "taxes, duties, imposts, and excises," directly by the people. How, then, can Congress take a fund, or the proceeds of such fund, contributed by the people in their individual character, for certain definite purposes, "to provide for the common defence," &c., and distribute it among the State Governments? The thing is utterly absurd and impossible upon any fair constitutional principle. To close this branch of the subject, it is asserted, without the fear of successful contradiction, that as Congress can alone raise revenue by taxation for purposes common to the Union, and has appropriated a portion of the revenue so raised to the purchase of lands, that body is, to that extent, the trustee of the people, and bound for the faithful application of the whole trust property to the purposes and objects for which alone the money with which it was paid for was raised. This view of the subject is still more strongly enforced by the consideration that the whole of the public expenses, ordinary and extraordinary, including an amount of public debt exceeding four hundred millions of dollars, have been met and discharged exclusively by the fund raised from the pockets of the people by direct or indirect taxation. This assertion is not too strong when we advert to the report of the Secretary of the Treasury of the 28th of April, 1836, by which it appears that, by a fair statement of the account current between the tax fund and the land fund, technically so called, by the returns rendered up to the 18th day of the same month of April, the balance due the land fund was only $3,016,961 68, not much more than one tenth of the sum now claimed to be subject to distribution for the years 1833, 1834, and 1835. What show of justice, then, would there be in such a scheme of distribution, by which the money collected from the people, and paid for public lands, shall be squandered, when received back again from the sale of these lands, among the Governments of the States of this Union? The catchword has been, that as the public revenue had accumulated greatly beyond the necessary wants of the Government, let it be returned to the people again by distribution. Of all the humbugs created in this age of invention for ministering food for political ambition or pecuniary cupidity, this is the most preposterous and absurd. Distribute money among the people, forsooth! The scheme is to distribute it to the regularly organized State Governments. It need not be said that the intention is to corrupt these Governments by giving them an interest at war with the best interests of the people, but it requires no exercise of the imagination to perceive that such would be the inevitable result.

Already have we heard it more than whispered, from a quarter most ominous, that if the revenue shall be so reduced by this notable scheme of distribution as to produce a deficiency in the Treasury for defraying the ordinary expenditures of the Government, the duties on wines will admit of augmentation, and those on silks be augmented or restored, according as they are now subject to or free from duty.* But what is the plan of distribution now proposed for our adoption? As before stated, instead of returning money to the pockets of the people from whom it had been previously collected, it contemplates dividing it among the State Governments. The cession from Virginia provides that the land shall constitute a "common fund," according to the "usual proportions of the States in the general charge and expenditure, according to the rule established by the articles of confederation." The federal constitution, in changing the mode of creating and collecting revenue, retained a rule analogous to that of the articles of confederation by which direct taxes should be apportioned among the States—the rule of federal numbers. While the bill under consideration proposes to distribute according to this rule, it is not until fifteen per cent. have been previously secured to the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, and to those at the Northwest, the benefits of the expenditures already made in building and repairing the Cumberland road, without any charge or deduction, except the nominal reimbursement from the two per cent. fund originally set apart for its construction. It is true, the federal constitution has set up no standard by which money or other favors shall be distributed among the States; and this is of itself sufficient to show that no such distribution was ever intended by it. But if the rule of direct taxation is settled, invariable, and, as far as may be, equitable between the States, it may be fairly concluded, that if, under any circumstances, a distribution of public money among them should ever be made, it would be regulated by the same standard. It is again asserted, that no rule of distribution of money different from the one established for regulating direct taxation could possibly be consistent with the constitution. But in addition, it is fearlessly asserted that, as the constitution is a grant of defined and specified powers to carry into effect objects equally definite, the power sought to be exercised by this bill is totally repugnant to its most obvious principles. It has been asked, what shall be done with the redundant revenue with which the Treasury is now overloaded? To the comprehension of a plain understanding there does not seem to be much mystery in the matter. If the land fund is sufficient to meet the necessary expenditures, repeal the whole of your taxes. If not sufficient, repeal a part of them. If more than sufficient, repeal the whole of the tariff, and curtail the sale of the public lands, by limiting it to actual settlers, and to actual settlers alone; and, in connexion with this latter subject, establish an equitable system of graduation in the price, according to the period which the land has remained subject to entry at the minimum price established by the Government.

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* In Mr. Clay's last elaborate speech upon the bill for distributing the proceeds of the land sales, he is understood to have said, that if, in consequence of the distribution proposed, there should not be money in the

It might not be difficult to expatiate upon the general course of public affairs, not only since the commencement of the present administration, but from the adoption of our present form of Government; but it is not now considered necessary.

On one topic of general discussion within the last three years, a single remark may not be inappropriate. Believing, at the time the subject was first investigated in Congress, that the change of the deposite of the public money from the Bank of the United States to the local banks was, if not the wisest, among the wisest acts of General Jackson's civil administration, subsequent experience and observation have strengthened and confirmed that opinion. And I now as confidently believe, that if the Bank of the United States had held the control of the large amount of public money at the time its charter was about to expire, which would have been in its possession if the fiscal agency of the Government had not been previously taken away from it, the local banks would have been crushed, and a scene of pecuniary distress and ruin created, such as the wildest imagination would scarcely be able to conceive.

Mr. DUNLAP said, as the bill from the Senate embraced the object contemplated by the resolution under consideration, and as the time was near at hand for proceeding with the orders of the day, he would move to postpone the further consideration of the subject before the House until Monday next, at which time he should move to appropriate the three hours which would otherwise be devoted to the continuation of this debate to the consideration of the Tennessee land bill.

Mr. HANNEGAN moved to lay the resolutions of the Kentucky Legislature, together with the instructions, on the table.

Mr. STORER asked for the yeas and nays; which were ordered.

Mr. SPEIGHT, in view of the importance of the motion, proposed that there should be a call of the House; which was agreed to.

After proceeding a short time with the call, Mr. MERCER moved that it be suspended; and after some conversation between that gentleman and Mr. SPEIGHT,

Mr. HANNEGAN remarked that he hoped the call would be proceeded in, and that they should have a full House, as the motion which he had made was intended by him to be a test vote on the subject of distributing the proceeds of the sales of the public lands.

The motion to suspend the call was lost, and the roll was then called through, as were also the absentees, when it appeared that 190 members were in attendance.

Mr. HIESTER moved to suspend all further proceedings under the call; which was agreed to.

Mr. MANN, of New York, appealed to the gentleman from Indiana to withdraw the motion, as he desired to make a few remarks on the subject before the House.

Mr. HANNEGAN could not withdraw the motion.

Mr. ADAMS called for the reading of the resolution of instructions; which being done,

Mr. McCOMAS desired to know whether it was intended that the motion to lay on the table should be a test question on the propriety of distributing the proceeds of the public lands.

Mr. HANNEGAN repeated that he had made the motion expressly for the purpose of testing the sense of the House on the subject alluded to.

The motion to lay the resolutions of the Legislature of Kentucky, and the instructions moved by Mr. Williams, on the table, was then decided in the affirmative as follows:

Yeas—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chaney, Chapman, John F. H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dunlap, Fairfield, Farlin, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Holsey, Howard, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson,

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Treasury to meet ordinary expenditures, the duties on wines and silks might be restored or increased. This is ominous, but it is not the only circumstance going to show the connexion of his scheme, and the scheme of Mr. Calhoun, with the continuance, and, if necessary, the increase of a high tariff. It is sufficient to refer to the fact that the scheme to distribute dates with the "compromise" tariff act of 1833, intended by Mr. Clay, and so stated by him, to save, not to destroy, the protective system. If the scheme of distribution, in either form, as presented by Mr. Clay or Mr. Calhoun, shall be carried, my life on it, the tariff will be increased and perpetuated.—*Note by Mr. H.*

Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—110.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Bell, Borden, Briggs, Buchanan, Bunch, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Evans, Everett, French, Fry, Philo C. Fuller, Granger, Graves, Grennell, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Hiester, Hoar, Hopkins, Howell, Hubley, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Laporte, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Samson Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Pettigrew, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams—89.

So the whole subject was laid on the table.

The hour of one having arrived,

The **SPEAKER** announced the special order.

Mr. **LOVE** moved to suspend the rules for the purpose of calling the States for petitions; lost.

Mr. **WILLIAMS**, of Kentucky, moved to take up the resolution from the Senate, fixing a day for the adjournment of Congress.

Mr. **HUNTSMAN** called for the yeas and nays; which were ordered.

Mr. **CAMBRELENG** hoped the gentleman from Kentucky would withdraw his motion. The best way to bring the session to a speedy termination was to persevere in transacting the public business, without wasting time in motions to suspend the rules.

Mr. **WILLIAMS** declined withdrawing his motion; when it was negatived: Yeas 98, nays 89—two thirds being necessary.

FORTIFICATION BILL.

On motion of Mr. **CAMBRELENG**, and in further execution of the special order of the 26th of January, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Mann, of New York, in the chair,) and resumed the consideration of the bill "making appropriations for certain fortifications of the United States for the year 1836."

The question pending being the motion of Mr. Cambreleng, to amend the bill by inserting an item of $700,000 for the armament of the fortifications—

Mr. **FORESTER** resumed his remarks, and set out by a review of the land bill. He then adverted to the course of Mr. Van Buren upon former occasions, on the subject of internal improvements, the Bank of the United States, &c.

He examined that principle of the majority party, which said that "the spoils belong to the victors," which was an anti-democratic doctrine, and one of the most abominable federal maxims ever advanced. It was making the voice of the people give way to the voice of corruption. It might be New York democracy, but it was not the kind of democracy which prevailed in Tennessee. There it was held that the rule of democracy was the rule of the majority alone. The caucus system was another of the principles of the New York democracy; a principle he declared to be at war with the constitution. He described the manner in which he himself had been nominated to the Baltimore convention. Nine individuals out of ten thousand, at Nashville, had met and nominated him, and the nomination was afterwards approved of by some fifty or sixty more, and he paid as much attention to it as he should to the whistling of a bird. It was said the principle of the caucus system was indispensable to keep the party together. Why, carry out such a principle, and the election of a king might be justified under it. He again denounced it as one of the most dangerous of the federal doctrines, and tending to the most alarming inroads upon the liberties of the people. He then adverted to the loss of the fortification bill. He said he saw the chairman [Mr. Cambreleng] of the committee of conference on that occasion when he returned, and asked him if they had agreed; and that gentleman informed him that they had, and that he was only waiting for an opportunity to make the report to the House. He was, however, astonished just after, to see the same gentleman get up and protest against that very report from being made, on the ground of there being no quorum in the House. He remarked upon the extraordinary manner in which the journal was kept at present, by the protest of Messrs. Glascock, Robertson, and Garland of Louisiana, containing their reasons for not voting on the abolition question, being now spread on the journal. Every other member had an equal right, and the journal might be filled in this way. He then referred to Judge White's letter to John Ross, and said that Judge White had been consulted by Ross as a lawyer, and that his letter was a legal opinion. When the question of State jurisdiction came up, Judge White reiterated the same doctrine contained in that letter, that, *quoad* the United States, the Cherokees were independent; but that Georgia, being one of the original States, she had supreme jurisdiction within her territorial limits. The one was a legal opinion, given on consultation in the character of counsel, and was confined to the question of sovereignty between the United States and the Cherokees; the other was his constitutional opinion as respected the latter people and the State of Georgia. There was, then, no inconsistency between the two documents.

Mr. F. then adverted to the subject of the surplus revenue. He had made a calculation, and he found that all the bills before Congress at that time, if they should pass, amounted, exclusive of the French spoliation claims, to an appropriation of about twenty-three million of dollars, say twenty-five million of dollars, and this would inevitably leave a surplus in the Treasury. To say that to return a people the money that belonged to them would corrupt them, was absolutely ridiculous. This was the argument of the gentleman from Georgia [Mr. Haynes] that morning, and it was the strangest he had ever heard from any man. The manner in which Congress had been in the habit of voting away the public money was far more corrupting. He censured the mode of members voting books to themselves, perhaps to the value of a thousand dollars each; and he had always condemned it.

On the subject of the deposite banks, he reviewed the course of the House on the resolution of Mr. Wise, in resisting an inquiry into the connexion of that "traitor and perjured scoundrel," Reuben M. Whitney, with those banks. It was due to the Secretary of the Treasury that this investigation should have been had, in spite of the defence made of him by the gentleman from New Hampshire, [Mr. Pierce,] that that officer was above public opinion. What the facts were, Mr. F. knew not; but it was due to Mr. Woodbury, and due to the country, that the charges made on the floor of that House, by one of its distinguished members, should have been met. He would say no man was above public opinion, not even General Washington himself, in his day. It was a despotic doctrine to say that any man was above public opinion, where "a King could do no wrong." After dwelling on these topics for some time, he concluded; and

Mr. PICKENS obtained the floor, and said he would move that the committee rise, though, if it was desired, he would proceed.

Mr. PEARCE, of Rhode Island, said it was evident there was not a quorum present, and he asked that the Chair count the committee.

The Chairman counted, and reported only fifty-one members present.

Mr. MERCER said a quorum was doubtless within the Capitol, and he would take that opportunity of sending to the Chair an amendment to the amendment, authorizing the President of the United States to expend so much of said sum as he may deem expedient for the purpose of establishing a national foundry. Mr. M. (Mr. PICKENS having given way) made a few remarks in relation to his amendment.

Mr. MASON, of Virginia, was in favor of the object of his colleague, but he would suggest some limitation of the amount to be appropriated for the purpose, say one hundred thousand dollars.

Mr. MERCER replied that a limitation was hardly necessary, inasmuch as money laid out for cannon was just as valuable to the country as if it was preserved in gold or silver coin. He again entered into a brief statement, showing the necessity of the Government having a foundry of its own, and thereby the insuring of the manufacture of a good material. He preferred leaving the sum to be expended to the discretion of the Executive.

Mr. PICKENS said it was not agreeable to him to trespass upon the attention of the committee, and he trusted he never could be induced to do so except from considerations of duty.

Mr. Chairman, this debate has taken a wide range, and doctrines have been advanced and sentiments avowed, against which I feel bound to raise my most solemn protest. The chairman of the Committee of "Ways and Means" [Mr. CAMBRELENG] withdrew an amendment on a former bill embracing the same principles, but declared that he would consider the whole debate as open upon the present occasion.

However, before I proceed to reply to what has been advanced by other gentlemen, I propose to make a few observations on the general principles which shall govern my vote on the bill immediately under the consideration of the committee.

As to appropriations towards those fortifications calculated to give efficiency and protection to our navy, I perhaps would be inclined to go as far as most gentlemen. I am in favor of those that are important for these purposes, and no other, so far as the Atlantic coast is concerned. I look upon it as one of the most idle and visionary schemes that has ever been conceived, to attempt a military line of fortifications on our Atlantic coast, similar to those which European Governments have adopted. Our population, comparatively speaking, is sparse, and we have a coast equal in extent to the whole western coast of Europe. Under these circumstances, our resources would not justify an attempt to encircle ourselves with a system of fortifications on a plan similar to those which more populous and far less extensive countries have adopted. Besides, we have no border Powers against which it may be necessary to protect ourselves. We are remote from all other Powers, with an immense and increasing commerce. Our physical position, and all the circumstances with which we are surrounded, proclaim a navy to be our only system of enlarged national defence. Our expenditures for fortifications ought to be made exclusively with a view to give protection and energy to our navy. With our extensive coast, you may make fortifications for land defence, and have your system, as you may suppose, perfect; but give your enemy ascendency upon the ocean, and they will land their forces at whatever points they may think proper. No commercial country can rely for defence upon any thing but a well-regulated navy.

Our true policy of defence is to increase and strengthen it by judicious points of fortification, so as to enable us to protect our whole coast by a stronger naval power than any nation would be able to concentrate against us. With this view, and looking to the natural division of our coast into four great bays as it were—the first from Passamaquoddy to Cape Cod, the second from Cape Cod to Cape Hatteras, the third from Cape Hatteras to Cape Florida, and the fourth to the Sabine—I would say that extensive navy yards, with efficient fortifications, should be established at the most suitable points between these different capes, so that an ordinary naval force, with brave and enterprising men, could easily defend the whole frontier, and at the same time protect our commerce. For instance, I would have such a navy yard with fortifications at or near Boston—the same at or near New York—then at Norfolk and the mouth of the Chesapeake—the same at Charleston—and then at Pensacola, for the defence of the Gulf, and the commerce of the West. I would place these points on the best and strongest footing, equal to any in Europe, and make little or no expenditures on any other points, so far as our Atlantic frontier is concerned.

It is all idle and visionary to attempt to place our coast in a perfect state of defence by stationary fortifications; this can alone be done by those that move upon the face of the deep. There is scarcely any fortification but what can be passed under favorable tides and winds, and it is a military maxim that there is none but what can be taken. Look to those that were erected at Antwerp, with so much skill and labor, on the same plan of Fortress Monroe, and which Bonaparte himself pronounced impregnable, and what was the result? The French battered them to the ground in twenty-four hours. The truth is, that for an invading force on land we must at last rely upon "high minds and brave hearts," with bayonets, and not fortifications. Besides, sir, the genius of our institutions is at war with a standing army. But extend your visionary and wanton schemes of fortifications, and they call for an increased force to keep them in repair. Sir, I rejoice to say that I believe the majority of the officers of your present army are men worthy to be trusted with the liberties of their country. But increase your military points, and call for a corresponding increase of men, and then place all under profligate and ambitious rulers, and there is no patriot who will not tremble for the consequences to his country.

Mr. Chairman, there has been a great change in the condition and resources of our country within the last few years. Under the application of steam power to our coast and rivers, remote sections have been brought together, and the energies of the community have been condensed. Our weakness, arising from a sparse population, has been to a great extent overcome. If this be the effect of steam as applicable to the water, what must be the operation of things under the tremendous schemes that are now in progress to bring the interior West to the seacoast by means of railroads? I would rather have one railroad running from our coast into that brave and enterprising country, for the purposes of defence, than all the fortifications your overflowing Treasury can erect. For military purposes, heretofore, communities have been strong in proportion to the denseness of their population. But the recent triumphs of invention and art over nature seem likely to develop new energy and resources, and may change the whole scheme of military defences in an extensive and widely populated country. Under these views, I shall never vote for any fortification that cannot be shown to be necessary for the strength and support of the navy. I would desire to have but few points, and place them on the most liberal and substantial basis. It is nothing but a wanton waste of the public money to attempt to embrace too many interests, and cover too many points.

But, sir, I will now look at the operation of this system in another point of view. While you have been expending, for the last twenty years, millions upon millions in certain sections of this Union, other extensive sections have been, to a great extent, entirely neglected. When my colleague, [Mr. Thompson,] some weeks since, with so much ability, demonstrated the unequal operation of your naval appropriations, he drew but a just picture of this Government in all its fiscal operations. As to our navy, I am disposed to make some allowances for appropriations heretofore, from the fact that our tonnage has been owned in, and our large commercial transactions have, in a great measure, taken place in those sections where the demand and supplies for a navy and its appendages were naturally called for. But we have now reached a new era in our affairs, when other sections and other interests must be attended to. Heretofore your Government has been profuse in its expenditures for the defence of those portions of your country which you boast of as being naturally the strongest, while you have neglected those portions which you have proclaimed to be the weakest. Is this the sound policy that should direct the energies of a fostering Government to protect equally the exposed points of a united people?

Let it not be supposed that we complain of the unequal disbursements, merely for the dollars and cents involved. No; it is because the operation is deeply connected with the great principles of liberty. As a people under one Government, we present a different state of things from any other people. We are one for certain great purposes, and separate for others. As far as the pecuniary and fiscal transactions of Government are concerned, it is not to be disguised that we have sectional interests differently affected. As far as the States are concerned, we have in each peculiar sentiments, habits, and feelings. To preserve these is the very essence of our separate independence and existence. No people can be free and independent who are habitually and systematically excluded from the favors and benefits of the Government that acts upon them. Let it become fixed, as a settled policy, that the West and the South are only to feel this Government in its exactions, while other sections are to feel it in its disbursements—let it be known that we are to be converted into Roman provinces, from which you are to collect treasure and wealth to be distributed amongst those who may be styled "Roman citizens"—and then, sir, if such a system is to last—if this state of things is to be continued, you will soon see, under it, our industry and enterprise droop and grow dull; you will see our spirits wither and die; genius will turn from lofty aspiration; our people will lose their burning feeling of patriotism; and from manly independence we will tamely sink down to become serfs and vassals under a mighty empire, where even the very boundaries of the States will be lost and forgotten amid the ruin and desolation thrown over a broken and disheartened country!

It is useless and idle, at this period of the world, to talk about liberty, so far as it may be identified with personal rights and individual protection. These stand secured, and are, to a great extent, consecrated in the feelings and institutions of every civilized community on earth. In those great struggles which ended in the overthrow of feudal barbarism, the contest was for individual and personal liberty. But since the combination of the Holy Alliance, together with all the improvements and schemes of modern society, every thing seems to tend towards an amalgamation of all Christendom into one system of organization, and the great contest now is for the political independence of separate communities. This view becomes deeply interesting to us as independent States. An habitual exclusion of any portion of the States of this confederacy from the fiscal benefits of this Government, and power over its action, must end in a sacrifice of their political independence. Hence it is, that political power becomes deeply identified with political liberty. A people to be free must feel that they are so.

Compare these great principles with what now actually exists and what has existed for the last twenty years. In that period of time, this Government has collected $420,000,000, and after throwing out of the calculation the $130,000,000 which have been appropriated for the payment of the public debt, we then have left $290,000,000, of which $210,000,000 have been disbursed in the middle and Northern sections, while only $80,000,000 have been disbursed in all the other sections.

Let not gentlemen suppose that the West and South are factious, when they oppose this system of disbursements. No! they see involved in it the highest interests and even the liberties of their country.

I come now to what has been advanced by others in the progress of this debate. The chairman of the "Ways and Means" observed that the revenue system which this Government had adopted for the last twenty years was the most unjust and oppressive that was ever adopted by any civilized Government. In this, sir, I agree with him. He also said that the commencement of this system was the tariff of 1816. To a considerable extent, I agree with him here too. But when he came to assert that the "compromise bill" was the consummation of that system, I confess I could not exactly understand him. There are principles in this bill which by no means receive my approbation. The gentleman spoke of the evils complained of from the surplus in the Treasury, and intimated that if it had not been for the "compromise," a system would have been adopted which would have reduced the revenue now down to the wants of the Government. All this sounded very well from the gentleman in one part of his remarks. But when he came to another part, where he was attempting to defeat the "land bill," or any other just distribution of this surplus amongst the States, I confess I was astonished to see the gentleman labor so hard to prove that there was and would be no surplus.

He entered into a long calculation to show that there would be no more than the wants of the Government would require. At one moment, he denounced the "compromise" as producing the evils of the surplus, to show how much better others could have done for the country; and then, when he desired to retain what was in the Treasury from a distribution, he attempts to prove that the same "compromise" has produced no surplus beyond what the Government will actually want. I leave the gentleman to reconcile this palpable absurdity and contradiction in his argument, if argument it can be called. But, sir, this contradiction was not more astonishing to me than the reasoning by which he jumped at his conclusions. He spoke loudly on the "ebbs and floods" of importations and exportations; and from something connected with these "ebbs and floods" which he knew of, he asserted that two years hence our importations would not exceed $40,000,000, and upon this our imposts would yield $10,000,000 of revenue.

[Here Mr. Cambreleng explained, and said that he meant the dutiable articles would not exceed that amount, but admitted that the importations would amount to $150,000,000.]

Mr. Pickens resumed, and said he did not so understand the gentleman before. But if the gentleman admits that our importations will equal $150,000,000, I am totally at a loss to perceive how he comes to the conclusion that our customs will then yield only $10,000,000. The system is biennial in its reduction, and then only amounting to ten per cent. If the whole importations are $150,000,000, unless the proportions vary entirely from what they have been heretofore, the dutiable articles must equal 66,000,000 of dollars, and this must yield a revenue of 17,000,000 of dollars, instead of $10,000,000. No, sir; with our increasing and wide-spreading population, stretching itself over the exuberant valleys of the Mississippi—the vast schemes of internal improvements developing the resources of the interior—industry and enterprise, invigorating the remotest quarters of our land—all, all, proclaim the increasing means of a great people, with corresponding wants and demands. Under this prospect of things, I should be induced to think that in two years more our importations would reach 170,000,000 of dollars, and that our customs would yield $18,000,000. Your exports in cotton alone, for the year ending on the 1st of last October, sold for $73,000,000, and this year they will probably reach near $90,000,000. This was the article which, in the plenitude of your wisdom, you pronounced over-produced three years ago, when we raised less than ten hundred thousand bags, and sold it for less than nine cents, and you declared that production had then outrun demand. Last year we raised above 300,000 bags more, and sold it, notwithstanding your over-production, for sixteen cents. No man can foretell the developments of this country under a wise system of free trade. No man can foresee the immense increase of importations and exportations of a free and unrestrained people, with the freshness of the virgin wilderness before them.

The gentleman cannot make the surplus vanish by figures. Even if all the reasonable expenditures that have been officially asked for be made, we will have, on the 1st of January next, at least $46,000 000 of surplus in the Treasury, supposing the public lands to yield $17,000 000; and many put them as high as $25,000,000. Good faith and prudence demand that this should be deposited, not in the corporations of the States, but in the treasury of the separate States themselves, in proportion to their federal representation, they being responsible for the payment. This would give us the faith and credit of the States instead of the banks. But of this, and of the gentleman's argument on the "land bill," I will say more on another occasion.

The gentleman, in his calculations to reduce the surplus, has placed $7,000,000 to be appropriated for Indian treaties, and in this I suppose he is correct. He also put down $5,000,000 for the Florida war. Mr. Chairman, I will not say that this is too much, but I will say that it is four times as much as it ought to have been. I will here take occasion also to say that this is one of the most disgraceful wars that has ever occurred—disgraceful in its origin, and of no credit to those who have had the termination of the first campaign. I am rather induced to believe that the gentleman from Virginia [Mr. Wise] has given us the true causes of this war. It is not improbable that it was engendered by iniquitous authority given to agents and others, who, under the vile pretext of seizing fugitive slaves and purchasing others before the emigration of the lawless savages could take place, attempted in some instances to seize even the children of their chiefs for bondage and sale, and then committed imposition and outrage until suffering nature could bear it no longer. I forbear to say more at present, for I may be misinformed, and I trust, for humanity, and for the honor of our Government, that I may be. But I will say, that whatever may or may not have been the treatment of the Indians, I believe that many of those who have volunteered to defend your border have been, to say the least, treated with coldness and neglect. I do not stand here to complain for them. What they have suffered and borne, they have borne without a murmur, for the honor and character of their State. But representing, as I do, perhaps as many of these spirited men as any other gentleman, I take occasion to say that they volunteered their services, not, as the gentleman from Massachusetts [Mr. Adams] sneeringly says, because it was to them "fat business," but to defend your exposed frontiers, after this Government, from neglect and injustice, had involved us in a cruel and merciless war of plunder and murder. These very men who have so honorably sustained your stars and your stripes, were from amongst those whom your Government press here, and its pensioned bands, have denounced for the last two years as traitors to their country. And what has been the fact? While they have gone forth to encounter hardship and exposure in vindication of your honor and your power, those who, some years since, were so eager to exhibit their patriotism by volunteering in a civil war of extermination to be waged on their own brethren, have made no move in this recent war to let off the exuberance of their spirit, but have kept back in that silence which belongs to their servility. After all that our citizens have done in this unfortunate savage war, it ill becomes the officer you placed there to command them, considering that he had but recently come fresh from the fields of his triumph in manœuvring and strategy—I say it little becomes him to cast a sneer over them as "volunteers," and not "good troops."

But, sir, to return. The gentleman from New York, [Mr. Cambreleng,] to exhaust the surplus, has put down $10,000,000 for the war in which we will be involved with Mexico on our Southwestern borders.

Mr. Chairman, to say the least of it, this declaration, coming from one who bears such a relation to this House and country as the gentleman does, was as imprudent as any thing could well be. Every thing relating to the affairs of Texas involves questions of the deepest and most delicate interest, and it does not become us at present to say or do any thing that may lead to embarrassment. I trust there will be no war to which the gentleman alludes. Whatever may be the power or policy of those Governments that are in their nature unlimited, I hold that, under our constitution, which we are sworn to defend, with its limited trust powers conferred on us for the interest and benefit of this people, we have no right to go into a war except purely for self-defence. There are certain great moral obligations which should ever bind Governments as well as individuals, and which, particularly under our peculiar institutions, should never be forgotten on any occasion, no matter how tempting. A war with Mexico, for conquest, would lead to a conflict with European Powers, the end of which it would not be easy to foretell. I have as much cause to feel sympathy as most gentlemen, for I had the companion of my boyhood—the friend of my maturer years—brave, chivalrous, and daring to the highest degree, inhumanly butchered in the fall of the Alamo. But I shall never suffer the feelings and sympathies of my heart to prompt me, under impulse, to do any thing calculated to involve others in consequences the most serious, unless under a case of clear justification.

But, sir, whatever may have been the calculations of gentlemen, the recent glorious and triumphant victory gained to the arms of Texas has entirely dispelled them.

I deprecated debate heretofore, because I feared that it might lead to consequences calculated to embarrass the negotiating power of this Government. I frankly avow that it is an object near and dear to my heart, to acquire Texas for this Union. Sir, I desire this, not, as has been said, to extend the boundaries of slavery, but for the purpose of extending the boundaries of liberty. Who is there so cold and heartless that he would desire to limit the confines of this great and growing republic? If even all the nations of Christendom were anxious to adopt our constitution, and cover themselves under its principles, is there a man here whose heart would not beat, and whose eye would not kindle with joy, at the anticipation of such an event? And who is there so narrow and contracted that would not extend our union and protection to those who are our neighbors, who speak our language—identified with us as they are in interest and in feeling—who went from our fire-sides and from our altars, who are our own brethren and relatives? Who is there among us that would turn his hand upon the hardy enterprise of a brave and daring people?

Yes, sir! they are ours by position; ours by all the sympathies of our nature, ours by all the bonds of interest; ours by all the ties that can bind man to his fellow-man. I desire their union, not because it would strengthen the slaveholding States—I scorn to place it upon any such narrow grounds—but because I desire to nurture with our fostering care a noble empire for the free, just now quickening into life; because I desire that our banner may float aloft, and that the whole race of civilized man shall sleep in peace under its broad and benignant folds.

Mr. Chairman, I come now to examine some of the abstract doctrines which fell from the gentleman from New York, [Mr. Cambreleng,] and which I heard with profound astonishment. The gentleman, after speaking of the triumphs of the democracy, proclaimed that he hoped the time was soon coming when the people would declare, in language not to be mistaken, "that no legislation should bind posterity." Sir, if this sentiment had been uttered only by the colleague of the gentleman on my extreme right, [Mr. Moore,] it would have excited in me no attention, for I took that gentleman's wild declamation to be better suited for the "loco foco" party in the streets of New York than for the halls of legislation; but coming as it did from the chairman of the "Ways and Means," who from his years and experience may be supposed not to speak without reflection, it is a doctrine which deserves the most serious attention of this country. I am aware that this doctrine claims for its origin high authority—authority which in my opinion has been looked to with full as much reverence as it deserves. I am aware that it has recently been promulgated in an ingenious pamphlet from Ohio against all corporations, and that it is openly preached in the Northern and middle sections of this Union, where in all probability it will soon become the popular doctrine of the day.

What, sir! no legislation bind posterity! Push this doctrine to its consequences, and where does it lead to? What becomes of your public faith? What becomes of your national honor? Let it be known that those treaties which bind you in your intercourse with the nations of the earth are to be disregarded and defied by the whim, the interest, or the ambition, of the ascendant party of to-day, and we must then necessarily be excluded from civilized society. No legislation bind posterity! What bore us in glory and in triumph through the war of our Revolution, but that legislation which bound posterity to redeem the debt incurred to sustain your armies upon the field of battle? What sustained us through the second war of our independence, but the power to pledge the resources of this nation for the great purposes of self-preservation? Is this Congress to do nothing that can bind those who are to come after us? Go back at once and tear up your declaration of independence itself—scatter into a thousand pieces the parchment of your constitution, and substitute, in the place thereof, the shouts of a mob proclaiming their triumphs of to-day, or the power of a lawless multitude waving over a blood-stained land the sceptre of anarchy to-morrow. No legislation bind posterity! Where is faith? Where is honor? Where is public law? Where is public morality? Sir, this is a doctrine at war with peace, policy, and honor. It breaks down all that is venerable, virtuous, and consecrated, in the institutions of civilization itself. If this be the doctrine that the gentleman and the party with which he is identified intend practically to enforce in this country, I can tell him, that when he attempts it, a hundred thousand plumes will wave over a hundred thousand lances, couched to vindicate all those sacred rights which have been acquired under the plighted faith of this Government.

But, sir, the gentleman dropped another remark that struck me with peculiar force. He asserted that the time would soon come when the Government should sell the public lands to none but emigrants who were actual settlers. Where is the right under the constitution by which this Government would attempt to exclude any class of free citizens from purchases of the public domain? Where is the right by which you shall claim to distribute it amongst a particular class? If it be intended by this to feed the appetite and minister to the desires of that class who may have no peculiar ties or interests to bind them to the place of their nativity—if it be intended to catch that class who move through the land from one end to the other, having no home, and feeling for no country—then it is vile agrarianism. Has it come to this, that a man is to be excluded from the benefits and privileges under this Government because, by industry, economy, or enterprise, he should be so fortunate as to accumulate property, or because he may happen to be associated with others who have? Are citizens whose ties and interests may bind them to reside in one State, to be excluded from holding a freehold in another?

If this system of selling alone to a certain class be intended by the gentleman as an equal division of the public domain, then he should remember, that when the Roman people came to receive their distribution from the public granaries, they became prostituted and debased. When their conquering generals came loaded with the spoils of devastated provinces, and were enabled to deal out bread and bounties to this class or that class, then, through bribery and corruption, they bought their way to power over the prostrate liberties of their country.

But the gentleman made another declaration, which I confess filled my heart with the most gloomy forebodings for the future. After speaking of the bloated state of things in the country at present, he concluded by declaring that "the whole nation was now one common gambling house!" Considering the position he occupies in this House, and the relation he bears to the dominant party that now rules this confederacy—considering that, from his residence, he must be intimately acquainted with the secret springs of speculation and commerce—I confess I heard this solemn declaration with no ordinary emotions. This nation one common gambling house! And who made it so? Let those who hold the reins of Government answer this awful question. Mr. Chairman, next to the omnipotence and omnipresence of that superintending Providence that moves upon the affairs of the world, there is no power that exercises so great an influence over the feelings, the sentiments, and the very nature of man, as the Government that acts upon him, and those who administer its authority. Let an individual become abandoned and profligate, and the consequences of his vice and iniquity are for the most part confined to himself, and those immediately around him. But let those who hold in their hands the destinies of a great people become corrupt and lawless—let them trample over the great fundamental painciples of the Government—let them become ambitious and profligate—and the consequences are felt in the remotest circles of society; the highest and the lowest come under this tremendous influence. Look over the world and see its fairest portions, where civilization, art, and refinement, once held their soft and mingled sway, now laid low in ruin and decay. Go, walk by the broken columns of the Parthenon, or stand on the grave of Miltiades—go and visit the tomb of Virgil, or the villas of Tully—and why is it that you hear no longer the voice of the orator, or see no more the poet and the warrior? Is it because the uplifted hand of God has forever blighted those fairest portions of his creation? No, no; it comes from the iniquity of corrupt, fallen, ambitious man. It is his usurping hand that has laid these fair regions low, and made a degenerate, desponding, and broken-hearted people.

And, sir, when it is now announced that our "nation is one common gambling-house," let those who sit on the seats of power tremble for the future. They may pass through this world, and receive its applause; they may proclaim in triumph that they have received the approbation of their country, and when the gnawings of a guilty conscience shall be felt, they may pour upon it the sweet unction that rises from the huzzas of a passing mob; but when they shall have gone through these scenes, and shall come to that last sad day when the secrets and recesses of the human heart shall be laid open before a tribunal that is never deceived and that never errs; when they rise before the searching eye of an avenging God, then let the question be asked, who made this nation one common gambling house; and, if I mistake not, you will see them quake and tremble as did Babylon's corrupt and revelling crew when they beheld upon the wall the handwriting that announced their guilt and proclaimed their destiny.

Mr. Chairman, I propose to examine, who "made us one common gambling-house." Another gentleman from New York [Mr. McKEON] took this occasion to pass a eulogy upon the present administration. He also exhibited the claims of the different candidates for the presidency, making all merely sectional, except one, who stood upon broad and enlarged principles, that embraced the whole Union—who stood pledged to carry out the principles of the present administration. And this gentleman, at the conclusion of his remarks, with quite as much modesty as discretion, thought proper to read us a lecture on parties, deprecating all party topics, as not to be drawn into discussion on this great bill of so much interest. Yes, sir, this Pharisaical party, who arrogate to themselves all virtue, and thank God that they are not as other men, have the effrontery to call upon us to hold our peace, while they stand pledged to carry out the principles of the present administration! Let us briefly look back and see what are these principles.

One of the first avowals of principle was the indirect pledge made by the President in his famous letter to the Tennessee Legislature, in which he laid it down that no member of Congress should be appointed to office during his membership, and for two years afterwards. The next great pledge made in the canvass was that no man should be dismissed from office for opinion's sake. This principle was indirectly avowed by the war made upon those who were supposed to have done so. Then came the celebrated inaugural, in which reform! reform! stood out in bold relief in every line. The "Augean stables were to be cleansed." Now, I hold that the public pledges which a man makes before the world are as binding upon him, by all the principles of sound morality, as his pledged honor in private; and he who would wantonly disregard the one would violate the other. Those public men who notoriously set at defiance all the pledges that they have ever made, go very far to set an example well calculated to produce looseness of morality and general profligacy, all tending to make the nation a common "gambling-house," where falsehood and treachery hold a triumphant sway.

What has been the fact with reference to the first pledge, to which I have alluded? More members of Congress have been appointed to office than under any three administrations since the commencement of the Government. And as to dismissals from office for political opinions, I have only to state the remarkable fact, that in all the administrations of this Government up to the present, all the dismissals together amount to only seventy-four, while in this administration there have been upwards of nine hundred; and two hundred and thirty of them important officers. Is this the principle the gentleman [Mr. McKEON] would advocate? As to the reform pledged in the inaugural, we have had it. This modern reform has come over us, with all its blessings. True, there has been a change, but it has only been a change from those who were in office, to the vilest and most lawless crew that were ever raised up under the dispensations of Providence to scourge a degenerate and ungrateful people. Sycophancy and servility have taken the place of all the heroic and manly virtues. The rooks, together with obscene birds, have perched themselves in the high places of the land, and we sit here beneath, surrounded daily with their filth and putrified corruption. Office-holders (now become miserable dependants) and office-seekers infest every turn and corner; and let it be known that any man has influence, from his being the tool of those who have patronage to confer, and he is overwhelmed with the bowing and cringing of these slaves and beggars. Crowds of miserable hungry beings creep and crawl, in the darkness of midnight, through the hidden recesses and gloomy avenues that lead up to the throne of royal favor. These creatures, generated as they are in despotism, are pervading the country and becoming more loathsome than the creeping lice or "slimy frogs of Egypt" ever were in the days of God's judgments. This, sir, is the reform with which we are blessed.

Mr. Chairman, we cannot shut our eyes to what we see passing around us. The Government is virtually changed, and the people seem to be sinking into acquiescence. The dismissal of the first cabinet, upon the notorious principles involved, was an open avowal that arbitrary will should govern even in private circles. The war waged upon all the constituted authorities of the land—upon the Supreme Court, upon the Senate, and even at first upon this House, because they were favorable to a recharter of the United States Bank, and then the appeals constantly made to the people as one aggregate mass—all, all, announced, in language not to be mistaken, that the constitutional republic of States was to be broken down, and that a simple democracy of brutal numbers, with an elective and unlimited monarchy, was to be raised over the ruins.

The President has habitually, through flattery, appealed to the passions and prejudices of all that is ignoble and low in society, to sustain him in his reckless career upon the institutions of his country. In this he has pursued the course of all those who have intended to usurp the liberties of the people. Cæsar, when he crossed the Rubicon, did it to bless the people and preserve the laws. He refused the crown that was urged upon him, and then took royal power to please the people. By what authority is it that the President makes his appeals to the people, as contradistinguished from the laws and constitution of his country? He was elected, not by a simple majority of the whole, but by majorities from the States. Every principle in the constitution is against making this a simple majority Government. It was made, and can alone be altered, by States. The States are equal in one branch; and even the representation in this House is differently modified from different States. Change this state of this things, and convert it into a simple unmixed democracy, and you immediately raise one interest in society in deadly hostility against another, which must end, as all simple democracies have done, in a dictator or an elective but unlimited monarchy. To restrain the Executive interest in all Governments, there must be created some independent and antagonist interest in society, which shall be habitually felt in the practical operation of the Government. You have wisely abolished the aristocracy of the old world; but unless we substitute for it, in the action of this Government, the territorial interests of the States, to be felt in full effect through a co-ordinate branch, we have improved nothing on English liberty. The Executive, without this check, necessarily becomes the source of all honor and power, and absorbs all other interests.

Is this not the fact now? Is there a practical man here who does not know that the Executive is at this moment the controlling and unrestrained power of this confederacy? Is it not proclaimed with triumph that he has a majority in both Houses? Where, then, is the practical check?

I maintain, sir, that the Government, in fact, is changed, and has become absolute? Look at the history of the times, and doubt it if you can! Some two years since the President issued a proclamation for the open purpose of bringing down civil war upon an independent State of this Union. This extraordinary document declared that the States "were not and never were at any period sovereign and independent." This assertion was directly in the face of all history, for the declaration of independence itself announced that "these colonies are, and of right ought to be, free and independent States." The second article of confederation declares that "each State retains its sovereignty, freedom, and independence." And yet, notwithstanding this barefaced falsehood, what was the result? This instrument, by which the sovereignty, pride, self-respect, and independence of the States were cloven down by a single dash, was received amid hallelujahs; and the very States that were disgraced by it, instead of calling up the spirit of the entombed constitution, bowed down in subserviency, while the whole nation, by universal acclamation, seemed to join in the modern apotheosis of its nominal author. Is there any man now, who looks back coolly, that does not believe this to be the proclamation that changed the republic?

And here let me refer to an instance, as illustrating the change of the times, and to show that the whole country, the high and the low, are sinking under delusion into the universal "humbuggery" of the day. Last summer I observed an account of a large meeting in the refined, polished, and hospitable city of Boston, called to attend the ceremony of presenting their distinguished and intellectual citizen with a silver cup, on which was inscribed "the defender of the constitution." Who sustained the principles of the proclamation? who imbodied them in the "force bill?" who carried that measure through, and placed it on the statute book, consecrating the usurpation of all power in the hands of the Executive? This "defender of the constitution." And it is remarkable that he, in the very speech in which he returned his thanks, declared that the constitution was virtually changed, and that all power was now in the hands of the Executive. I refer to this scene merely to show that even the intelligent and educated are falling under the delusions of the day; and if they be so blind, what must be expected from others who bask in power and live by deception? I hope there is no man now, who can look back upon these two measures to which I have alluded, and then see what he now knows to exist around him, without learning some impressive and solemn lessons as to the downward career of the republic.

But to return. While triumphal arches were raised, upon which was inscribed "the principles of the proclamation, the principles of New England"—while he whose life had been an open war upon all law was receiving in the halls of universities the flattering unction of "doctor of the learned laws" poured upon his head—what was the remarkable fact? He was then actually penning the order for the lawless seizure of the whole treasure of the nation.

Considering the state of things, this was a sagacious and profound move, and those who planned it well understood the downward progress of events, and the recorded history of liberty. Usurpation upon usurpation had been perpetrated. The great principles of the constitution had been subverted. This measure was absolutely necessary to sustain the power that had been acquired, and to transmit it to a successor. It diverted public attention from what had been done. Despotism and usurpation, in other countries, rely upon the sword and a standing army to sustain themselves; but, from the nature of our institutions, they are compelled here to rely upon leagued banks, money, office-holders and office-seekers, bribery and corruption. Lawless power here relies upon deception and fraud, while elsewhere it relies upon force.

I question very much whether, in this country, we can ever have even the privilege of an appeal to revolution. Each State has its own peculiar local interests and peculiar public opinion. This almost forbids all system and concert of action; and he who is at the head of affairs must have little talent indeed, if, with his tremendous power and patronage, he is not able to play off one part of the community against the other. But there is another cause which I fear may prove fatal to the prospects of liberty. I very much doubt whether even a reform can ever take place. With our immense system of credit, extending itself into all the ramifications of the community—with our seven hundred banks pressing down upon all the secret springs of society, and transacting business upon calculations made for the future—I say I doubt whether, under this vast and complicated sysstem, the various interests of which no man can fathom, whether even reform can ever take place. All those who may be directly or indirectly (and who is not?) interested in this stupendous system would prefer to acquiesce under a despotism rather than to run the hazard of a change from reform or revolution.

Those who seized the moneyed resources of the nation well knew the resistless power they were to wield, controlling as it does, directly and indirectly, at least one hundred millions of capital. Other people have to submit to the sword drawn over them by a conqueror, who may at least have the manliness of courage to command some respect; but we have to submit to a mean and infamous despotism, sustained by a moneyed power, controlling, through bribery and corruption, all that is abandoned and profligate in society. No wonder that "the whole nation is one common gambling-house."

Let us now look to a more recent event, as distinctly marking this great change in our Government. And on this point I will take the facts as stated with so much spirit by the gallant gentleman from Virginia, [Mr. Wise,] and which I have never seen the slightest pretence to deny. I allude to the last night of the last Congress, when scenes occurred of the deepest importance to the liberties of this country. It was then that the President, with the first officer of his cabinet, and the second officer of the Government, came into the dark recesses of this Capitol, and, through his vile minions and miserable tools, defeated a measure of vast importance, before this House, for the notorious purpose of waging a popular war upon the Senate. Cromwell went into the House of Commons, at the head of armed men, and ordered its dissolution. But here, sir, we have a President who comes not like a soldier, but at the head of his servile courtiers and sycophants, and practically asserts his ascendency over both branches of our Legislature by management and duplicity. Is this our independence under the constitution? Is this the check that we were designed to exercise by the provisions of that noble instrument? Where is the spirit of our forefathers? Better, far better for us to be "dogs, and bay the moon," or "toads, and feed on the vapor of a dungeon," than to hold our seats here only to disgrace the memory of those who have gone before us. I know that we are apt to become indifferent and callous under the habitual contemplation of evils which seem almost to forbid a remedy. And it is from this that liberty is lost. We sit here and see things which we have not the courage or manliness to resist.

What is now passing before this country in the history of the day? An attempt is now openly being made to expunge the constitution, and drag down the Senate in humble penitence before a master, for having dared to express an independent sentiment. If this succeeds, it will be the consummation of our downfal.

Sir, I am aware that under certain circumstances an individual may desire that his crimes should be expunged from the memory of man—I am aware that there are those who would desire to convert the whole earth into one universal pandemonium, only that they might become prominent from their very iniquity, and reign triumphant from their very guilt. But I am totally at a loss to understand the feelings that could prompt any human being to desire to see a whole body of men, intended by our ancestors to be exalted and independent, bowing around the throne of a lawless and reckless man, bearing in their hands the constitution to be burned, that the smoke thereof may rise to satiate his vengeance and appease his wrath. Sir, it is, it is the reign of Cæsar, and we are cowards, dastards, slaves, if we submit to this state of things, and shall deserve to have our children raise before us their little hands, and shake their manacles, saying, thou did it! thou did it!

Mr. Chairman, I have said that this is the reign of Cæsar. Sir, I have read the history of the Roman people to little advantage, if I am to be deceived at this late day in what I see passing around me. We are now where that people were when the empire was to be divided between Anthony, Octavius, and Lepidus. Cæsar had folded his robes and perished under the dagger of Brutus. And although we may have none at present with the fine talents and acquirements of Anthony, yet we have many with his private profligacy and abandoned principles. As to Lepidus, I need only point to the gentleman from Kentucky, [Mr. R. M. JOHNSON;] but, as he is a member of this House, I forbear to trace the parallel at present. The beardless Octavius had done nothing to identify himself with the glory and the honor of his country, but he became prominent from the fact that he was supposed to inherit the sympathy that was then running so strong in favor of the fallen Cæsar. Wary, artful, and sagacious, he saw his position, and made the most of it.

We too have a modern Octavius, who, winding his way under the robes of royal favor, proclaims himself the true and anointed successor, pledged to carry out the principles of his master. What other earthly claim has the Vice President to his present position, except that he is supposed to be the chosen favorite of him who has trampled over the liberties of his country? The gentleman from New York [Mr. McKEON] has declared him to be the only candidate who has claims upon the whole Union.

For the present I pass by an investigation into his political principles, and shall only refer to one document, which speaks a language not to be mistaken, and develops the feelings and the nature of the man—which writes his history and his character more fully than all the volumes that can be composed by a flattering biographer. No man can read it without knowing its author. It is a letter written from London, in answer to a committee in New York, who condoled with him for his rejection as minister to the court of St. James. I will read from it the following extract in relation to General Jackson:

"In testimony to my public conduct, they are pleased to speak with eulogium of me, as contributing, while in the cabinet, to the success of the present administration. That signal success, I feel called upon to declare, is pre-eminently due to the political sagacity, unwearying industry, and upright, straight-forward course, of our present venerated chief. All the humble merit I can claim is, that of having exerted myself to the utmost to execute his patriotic and single-hearted views, and of having sacrificed all personal considerations to insure their success, when threatened with extraneous embarrassments. That my exertions were arduous, painful, and incessant, I may, without vanity, assert; whether my sacrifices have not been repaid with unmerited detraction and reproach, I leave to my countrymen to determine. Still I shall ever regard my situation in that cabinet as one of the most fortunate events of my life, placing, as it did, me in close and familiar relation with one who has well been described by Mr. Jefferson as "possessing more of the Roman in his character than any man living," and whose administration will be looked to, in future times, as a golden era in our history. To have served under such a chief, at such a time, and to have won his confidence and esteem, is a sufficient glory; and of that, thank God, my enemies cannot deprive me."

Mr. Chairman, I am perfectly aware that many a man might have uttered such sentiments without any extraordinary degradation. If they had come from one who had forever retired into private life, it would have been of no great importance. If they had come from one who was humble and lowly, and had received private favors from a benefactor, it would have attracted no attention. But coming as they did from one who was artful and sagacious—who had fixed his eye on the first offices of his country, with an ambition that has never varied—who was gazing with eagerness for partisan support—I say, sir, that under all the circumstances of the case, they are base, vile, degraded, and degrading sentiments, which no freeman ever conceived in his heart, and none but a flatterer ever uttered. If I am to have a leader, in the name of all that is lofty and honorable, let him be one who has the feelings, the independence, the heart, of a man. If I am to follow, let it not be one who cringes before, and fawns upon, the hand of a master. Every feeling of my soul revolts with scorn and indignation at such sentiments.

But, sir, look around, and what is the glaring fact in the history of the day? These sentiments have had their weight. Is not the whole patronage and power of this Government, at this moment, wielded for the open purpose of rewarding their author? Is it to be disguised that the Baltimore convention assembled to nominate a successor under the dictation of the President? Is there a man, who has sagacity to perceive consequences, that doubts it? Let those things succeed, and it is idle to talk about a free Government. We may have the exterior of freedom, but it will be a whitened sepulchre, fair and beautiful to took on, but full of corruption and rottenness within.

I commit no man nor no party, but I here take opportunity to lay down the doctrine that he who comes into power under such circumstances, comes in, to all intents and purposes, as much a usurper as if he had come in by the sword of revolution. Such a Government is to be obeyed merely from political expediency, and not constitutional obligation. What difference, in fact, is there between a Government brought upon the country by presidential dictation, fraud and patronage, and one forced upon us by the arms of a conqueror?

In those countries where the succession may be fixed by the hereditary laws of the land, where things have grown up from time immemorial, and become the fixed principles of the constitution, a people can make claims to freedom, if the succession take place consistent with their institutions. But in this country, where we have a written constitution, every line of which maintains the freedom of the elective franchise, from the highest to the lowest, if we submit to dictation or appointment, directly or indirectly, from any earthly power, we are slaves in feeling and in fact, and shall deserve our destiny.

The janissaries of Turkey could at one time bow-string a sultan, and enthrone his successor. A Roman despot could at one time make his horse a consul, while his degenerate countrymen cowered beneath the imperial eagles waving along the lines of prætorean bands. Cromwell anointed himself as one prepared to be a martyr, and called upon his round-head followers to baptize him in the blood of Charles I, that he might come out a saint fit to wear the robes of a dictator, and claim the sworn allegiance of a deluded and enslaved people.

True, we have no janissaries--no prætorean bands--no army of the commonwealth, as yet. But we have what is meaner, baser, and more degrading—we have a hundred thousand office-holders and office-seekers--moneyed corporations from one end of the Union to the other—we have the patronage of this Government and the power and popularity of the President--all, all acting together in concert, and devoted to the sole object of appointing a successor, and transmitting ill-gotten power to those who will fawn to receive it. I care not what may be the principles to be avowed by such an administration, I make open, uncompromising war against the mode and manner of appointment.

How long are these things to last? Are they to be borne by a free people? Think you that one half of this great nation is forever to be ruled over by the other half, upon such principles as these? Think you that the intellectual and virtuous of a great people are forever to be trampled over and spurned by ignorance and brutal numbers? No, sir; it is not nature to bear it. The worm that crawls in the dust will turn when tread on. And shall man, rational man, sink himself lower than the vilest of creation? Sir, if these things are to be borne, go first and tear from the pages of history those leaves which transmit to posterity our glory and our honor--go first and gather together the declarations of our independence, and make of them a bonfire—go first to the graves of our gallant dead, harrow up their bones, and scatter to the four winds of heaven their dust and their ashes—tell our little children these men are unworthy to be remembered, and their deeds to be imitated; we must then do more—change the very names of our own children--ay, we must change their very natures- turn back the current that now runs warm from their hearts, and run it into new channels--pull down the star-spangled banner, and trample it in the dust beneath your feet--then, and not till then, shall we be prepared to wear in peace the chains of slaves and the livery of bondmen.

Mr. Chairman, I am aware that I have uttered sentiments ill calculated to suit the public ear. I know, sir, that I have uttered sentiments which forever cut me off from all hope of favor from this Government, or with those who are destined to control it. But I stand here to speak the truth to my country. What is a man born for? Is it that, through deception and sycophancy, he may wind his way to power? Is it that, for the day, he may catch passing popularity, that miserable mushroom thing which springs up in the moisture and darkness of night, only to wither and die under the beams of the noonday sun? No, sir; man lives that he may live hereafter, in the hearts and affections of his countrymen, for having vindicated their interests, their honor, and their liberties. This, in my opinion, is the highest destiny that awaits an earthly career.

When Mr. Pickens had taken his seat,

Mr. UNDERWOOD obtained the floor, and moved that the committee rise; which was decided in the negative: Yeas 49, nays 87.

Mr. UNDERWOOD then rose and said:

Mr. Chairman: The debate which has grown out of the amendment proposed to the bill under consideration has embraced almost every topic connected with the policy of the Government and its administration. Parties, the press, the conduct of the Executive, the proper system of public defence, the surplus revenue, the propriety of distributing it among the States, the public lands, and a variety of other subjects, have been brought before the committee in the progress of the discussion. I do not propose to notice all that has been said deserving, as I think, the severest reprehension; but, sir, I feel the duty which I owe to those who sent me here to utter on this occasion what I believe to be their sentiments and their opinions on some of the great questions of this debate.

In relation to the parties into which the people of this country are at this time divided, I have a few remarks to make. The old landmarks which distinguished the federal and republican parties have been destroyed. The federal party of 1801 were overthrown because of the opinion, justly entertained, that they were disposed to enlarge and extend the powers of the General Government beyond the limits of the constitution. The alien and sedition acts, passed by the federal party, constituted the evidence upon which their condemnation was based. The contest between the federal and republican parties was one for the establishment of great principles of government. The republican party triumphed. I rejoice in its success. In the progress of events, those who succeeded as heirs to the political inheritance left by the republicans of 1798 and 1801 deemed it proper to change the name of their party. They assumed the appellation of the democratic party, with a view to express and enforce the idea of a complete identity in feeling and interest with the great body of the people. Under this name, those who elected our present Chief Magistrate have acted and been known. But, sir, with the change of their name from the republican to the democratic party, they have changed their principles; and, if we are to know their creed from their conduct, they are now the political worshippers of an elective despotism. Those who lead the party have violated every promise made to the people; and their idol, the President, has, in his conduct, utterly disregarded most, if not all, of his avowed principles.

In the present aspect of our political affairs I recognise but two parties. The separation between them is marked by strong and obvious lines. One of these parties ardently desires to elevate and improve the moral, intellectual, religious, and physical, condition of society.

Devotion to equal laws, and opposition to artificial differences and distinctions, such as result from unjust and partial legislation, constitute the creed of this party. Its members would open the avenues which lead to wealth, to fame, to all the heights of human glory, and allow every citizen, no matter how humble his origin, to enter for the race, untrammelled by legal impediments. With this party, intellectual and moral worth, patriotism, and talents, are sought after, when office is to be conferred. The members of this party neither ask nor desire any exclusive privileges. They are opposed to all laws conferring advantages or benefits on one or more individuals, which are denied or withheld from the people at large. They desire to see no other distinctions among men than those which result from greater industry, more care, superior natural endowments, and higher moral qualities. Such distinctions are founded in the nature of things, and produce differences enough among men, without the aid of human laws, favoring any one class or set of men at the expense of others.

The other party feels but little solicitude for the moral, intellectual, religious, and physical improvement of their race. Judging from the conduct of the members of this party, we should be led to the conclusion that they deemed it proper, if not commendable, to play upon the prejudices and credulity of mankind, to secure any personal profit or emolument. Their professions frequently seem to proceed from correct principles, but their practices prove that the sound doctrines they preach, and the clamor made in their propagation, are nothing more than a component part of a cunningly devised system of popular deception, by which the unhallowed schemes of corrupt ambition are made to prosper, and the interests of the country at large are sacrificed. The members of this party constitute a banditti in search of "spoils." Judging of others by the suggestions and feelings of their own corrupt hearts, they are ever ready to attribute the basest motives and designs to those who oppose them; and, with a view to prostrate all opposition, it is a part of their policy to endeavor to overwhelm their adversaries by defamation and lies. They purchase the venal with office and gold, and intimidate the honest by proscription. Such a party is not properly designated by any party appellation heretofore known, and I shall take the liberty of giving them a name suited to their grovelling purposes and infamous principles. Sir, it should be denominated the sop party, because those who compose it resemble Judas Iscariot in this: that they will sit down at the same table, and dip in the same dish, with their master, and then rise up and betray him for thirty pieces of silver. No confidence can be reposed in them; for they are altogether sordid, selfish, and unprincipled.

That there is such a party in this country, at this time, no one can doubt who will attentively examine and consider passing events. I will not affirm, nor do I believe, that all the members of this party, those who co-operate in prosecuting its worst measures, are acquainted with the extent, the height, and depth, of the wickedness of their leaders. Paul, the apostle, at one time, sincerely thought he was rendering God service by persecuting unto death the disciples of Christ. There may be pure motives in performing deleterious actions.

Party power and misrule have not yet obtained a complete ascendency over public opinion. Some respect is yet paid to any strong demonstration of popular sentiment. But, sir, the cunning of party has devised a plan to give tone and direction to the sentiments and opinions of the people. The device consists in the use of a pensioned press, devoted to the interests of particular men, and feeling no sympathy for the community. Every species of misrepresentation and falsehood in regard to measures, and every sort of detraction and slander in regard to men, are printed and published for the purpose of deceiving the people and controlling the elections. Corrupt politicians use corrupt editors for the purpose of corrupting, deceiving, and ruling, the people. These editors, without the least shame, will accept a bribe in the shape of patronage from the hand of power, and then turn and vilify those whom they have eulogized, and, with the servility of slaves, flatter those whom they have abused and cursed. It is their vocation to endeavor to bring suspicion and odium upon every one who will not worship their idol; and hence it is that a corrupt and bribed press teems with the grossest calumnies against the purest and best men of the nation. Sir, I regret that this House has been deemed a fit place, by many members of Congress, to vindicate themselves against attacks made upon them in the newspapers. I do not consider this the proper place to notice the falsehoods which editors may print and publish with a view to ruin my reputation; and I regret that any gentleman, in the course of this or any other debate, should have deemed it proper to consume time by noticing the statements of the Globe. I would as soon think of descending to the level of a polecat, and waging war with that animal. In such a contest, however successful a man may be, he is very apt to remain in bad odor, even with his friends, for a long time after it is ended.

Mr. Chairman, the people of the district I represent understand the tricks of political knaves, played off through the instrumentality of a corrupt press. The press, when honestly conducted, is truly the palladium of liberty; but, when prostituted to subserve the base purposes of a sop party, it becomes a formidable engine of tyranny. The chief who suborns and uses a corps of scandalous and calumniating editors thereby evinces to the world his infamous means and his reckless corruption in using them.

I shall now call your attention, Mr. Chairman, to the surplus revenue, and the propriety of distributing it among the States, in proportion to their federal population. Upon this subject three questions present themselves: 1st. Is there any surplus to distribute? 2d. Has Congress constitutional power to distribute it? 3d. Does good policy require its distribution? I propose to answer these questions in their order.

Upon the first point I shall be very brief. The lucid remarks of the gentleman from Massachusetts [Mr. CUSHING] have satisfactorily proved the existence of a large surplus, and I will not fatigue the committee by going over the ground which he has travelled before me. According to the report of the Secretary of the Treasury, there was in the deposite banks, to the credit of the Treasurer of the United States, on the 1st day of April, 1836, the sum of $33,294,024 08. If the accruing revenues, during the last three quarters of the year, should be equal to the expenditures, then that sum might be distributed among the States, without injury to the operations of the General Government. Will the money daily coming into the Treasury supply the demand, and meet the daily disbursements necessary to be made?

In the estimates of the Secretary of the Treasury, presented at the commencement of the session, he required for the service of 1836 the sum of $23,133,640. Admitting that this sum should be increased to $26,000,000, in consequence of the Indian wars prevailing in Florida, Alabama, and Georgia, then we should ask, will the revenues of the year supply that sum? We know, from the report of the Secretary of the Treasury, that the amount of revenue received during the first quarter exceeds $10,725,000; at the same rate for the three remaining quarters, the total revenue of the year will exceed $42,900,000. Deduct the sum of $26,000,000, which may be required for the service of the current year, and there will be a balance left, of the revenue accruing in 1836, of $16,900,000; which, when added to the balance remaining in the Treasury on the 1st of January last, of $21,169,455, would produce a surplus of $38,069,455 on the 1st of January, 1837, without taking into consideration the $7,000,000 of stock in the Bank of the United States. But, sir, if it be conceded that the revenue of 1836, for the three remaining quarters, will not, in any one of them, equal that of the first quarter, then, I ask, how many millions will it fall short? For such is the state of things, that you may deduct millions, and yet be able to distribute among the States thirty millions of the surplus. I do not admit, however that there will be any material diminution in the revenue during the balance of this, or in many years to come. There is danger to be apprehended, and great danger too, from the number and condition of the six hundred banks which cover the country from Missouri to the Atlantic, and from Maine to Louisiana. The great disparity between the paper circulation and the amount of specie in their vaults is such, that a sudden panic may burst the bubble, and reproduce the scenes of 1819-'20. But the disastrous consequences of such an event, however lasting and fatal to the hopes and fortunes of particular individuals, would only give a temporary shock to the onward movement of this young and growing nation. The nation, as heretofore, would soon recover from the effects of such calamity, and the customs and public lands would again replenish our Treasury to overflowing.

It has been said that the progressive diminution of duties on imports, under the compromise act of 1833, will lessen the amount of revenue; and it has been predicted that the sales of the public domain will greatly decline in a few years. I do not believe these predictions will be verified. In the first place, a diminution of the tax or duty on an article does not necessarily produce a corresponding diminution of the revenue. The amount of revenue depends upon the quantity of dutiable articles consumed; and as goods are sold cheaper in consequence of lessening the duties, the consumption will be greater, and thus an increased consumption will more than balance the decrease of duty. Turn your attention, Mr. Chairman, for a moment, to the great West: ask yourself what is it now, and what was it during the last war? At that time, the whole, a few districts excepted, might be considered a wilderness, in comparison with its present condition. The farms newly settled, in many instances, did not yield a support for their owners and their families. The dwelling-houses were log cabins, and comfortable stables, barns, and out-houses were not to be seen. In this state of things, whenever the labor of clearing and cultivating new land produced something for sale, after subsisting the family, the money arising was necessarily expended in erecting more comfortable dwellings, barns, &c. Thus there was nothing to spare for the merchant, or to purchase articles of foreign growth or manufacture, upon which more than half our revenue is raised. How is it now? Vast multitudes, by their industry and labor, have placed themselves in comfortable houses, upon productive farms, well provided with every convenience, and yielding them annually, in surplus grain, or tobacco, or cotton, or live stock, a handsome income. No longer compelled to expend it in clearing lands and building houses, they can now afford to treat their wives and daughters and sons with foreign articles; and the West now proves what has been found to be true in all ages, that people who have money, and who are not restricted in its expenditure by an overruling necessity, will use it to gratify their appetites and taste for luxuries and dress. The consequence is, an immense increase in the consumption of foreign merchandise; and hence our Treasury will be kept full to overflowing, notwithstanding the gradual diminution of duties on imports. In proof of the now large and increasing consumption of the West, only look at the heavy business done upon the railroads and canals connecting the Atlantic ports with the Mississippi valley; and behold the increasing hundreds of steamboats which are now actively engaged upon the waters of the West. Sir, a survey of the condition of agriculture, commerce, and manufactures, in the Atlantic States would equally denote the continuance of a full Treasury. Everywhere we behold industry prosper, generating and accumulating wealth. The inevitable result is an increased consumption of foreign productions, upon which the amount of revenue depends.

In regard to the sales of public lands, there will be no decrease in the quantity sold, so long as profitable investments can be made by purchasing them. Those who own small tracts in thickly settled neighborhoods, and which can be sold at high prices, will find it their interest to sell out, and emigrate to the new States and Territories, where they can with the money get as good or better land, and ten times the quantity. So long as the value of lands in the new States and Territories is increasing at the rate of from ten to one hundred per cent. per annum, capitalists will purchase, rather than invest their funds in stocks or in trade. The tide of emigration to the new States and Territories, the demand for the productions of their fertile soil in market, and the profit which can be realized in a short time from a good farm, will operate as permanent causes to produce an annual increase in the value of lands in the new States and Territories. Men of discernment understand all this; and hence the large purchases of public lands made during the last year will be continued through the present, and probably for years to come. Nothing can arrest this course of things but the entire change of the present land system, or the derangement of the currency, and the general pressure for money which may result from the breaking up of the excessive issues of bank notes. I have no expectation that either of these causes will affect the sales of land during the present year. Let them operate when they may, no argument can be thence drawn adverse to the distribution of the existing surplus revenue among the States.

The conclusion to which my mind has arrived is, that there exists a large surplus, and that it will continue to accumulate, notwithstanding the constant drain going on to sustain all the necessary operations of the Government.

Can Congress constitutionally distribute this surplus among the States? I will not contend for the power to impose taxes, with a view to raise money for distribution. Such an object does not seem to me to fall within the scope of the delegated powers of the constitution; but where taxes have been imposed in good faith, for the purposes of the constitution, and Congress finds at its disposal a large surplus which it cannot expend with propriety in accomplishing some purpose of the constitution, I do not perceive any reason why it may not be divided out among the States. If it be not wanted for the use of the Government, it would certainly be competent to return it to those from whom it had been collected, if they could be ascertained. A poll or direct tax, levied under the expectation of war, may be released, in case of the sudden adjustment of the dispute without war; and so, if it had been actually collected, and, in consequence of the settlement of all difficulties, the Government no longer wanted the money, it could not be a violation of the constitution to return the money to those from whom it had been received, and who, from the nature of the tax, could be known with certainty. But in the case of money arising from customs, and which is paid directly to the Government by the importing merchant, and afterwards reimbursed to him by the consumer, the Government cannot return it, when it is not wanted, to the citizen in person; because there is no means of ascertaining the persons who paid the money, and the sums paid by each. As that is impossible, why may not this Government place the fund in the hands of a trustee, to be used for the general benefit of those who cannot be individually designated, but who are known as a community to have furnished the money? There is no reason against it. In the selection of a trustee in such a case, the State Governments, for reasons too numerous and obvious to mention, should be chosen. There is no sensible distinction between returning money not wanted to those who are known to have paid it, and placing money in the hands of a trustee for the benefit of a whole community, who advanced the money under circumstances rendering it impossible to ascertain what portion came from each individual. The question of constitutional power is the same in both cases.

But, sir, there is, in my opinion, a great deal of difference between the money arising from the sales of public land and that from the customs; and were I to concede that the last could not be constitutionally distributed among the States, I should still deny that the first stands upon the same ground. It is a common error to regard the money arising from the sales of public lands as so much revenue received from taxing the people; and I have heard it contended that the price of the public lands should be reduced, in order to lighten the burden of taxation! A dollar and a quarter received for an acre of land sold is no tax on the purchaser. He gets the value of his money. He is as rich, and generally more so, after parting with his money, as he was when he had it in his pocket. Suppose you disband your regiment of dragoons, and sell the horses belonging to the Government; must you take half price, lest you should inflict onerous taxes on the purchasers? Suppose you sell ground purchased in New York or Boston, on which to erect custom-houses, or ground purchased for a light-house, because you wish to change the site, or because you have no further use for it; is it necessary to take half the value of the property, in order to escape the charge of cruel taxation? Where is the difference between these cases and the sales of your public domain; There is none. Our land system is an exchange of equivalents, in which the advantage, if any, is uniformly on the side of the purchaser. May we not give the lands we own to the States, without violating the constitution? The language of the second clause of the 3d section of the 4th article of the constitution is this: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." We have already given millions of acres to the new States, (which will appear more at large in a table I shall hereafter present,) and no one has imagined that the constitution was violated by the donation. We have stipulated with the new States to allow them, respectively, five per cent. on the nett proceeds of the sales of the public lands within their limits; and we have passed laws directing the payment to them of three parts of the five per cent. so allowed. I have heard no voice raised against the propriety of these proceedings upon constitutional grounds. The former practice of the Government is an assertion of the power not only to give away the lands, but the money likewise arising from their sale. Can it be said, this is constitutional in regard to the new States, but unconstitutional in relation to the old?

My preceding remarks apply to the constitutional question, unconnected with any special and particular consideration which should influence the judgment of the committee; but, sir, there are reasons to be drawn from the acts of the States ceding their right to large portions of the public domain to the General Government, which place the propriety of distributing the money arising from the sales of land thus ceded beyond all doubt. Virginia and Georgia ceded to the General Government much the largest and most valuable portion of the public lands, excluding those acquired by the purchase of Louisiana and Florida. Virginia ceded hers in 1784, before the adoption of the present federal constitution. Georgia ceded in 1802. The purposes for which the cessions were made were indicated by nearly the same language in the conveyance of each State. The deed executed by Thomas Jefferson, James Monroe, and others, on the part of Virginia, uses the following language: "That all the lands within the territory so ceded to the United States, and not reserved for [certain uses mentioned,] shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions to the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." By the confederation, the common Treasury was to be supplied by the several States, in proportion to the value of all lands within each State, granted to or surveyed for any person, and the improvements thereon. As the States were to be charged in proportions, to be fixed by the relative value of their lands and the improvements thereon, I have heard it suggested that the rule should be the same for distributing among the States the proceeds of the sales of the public lands, especially that ceded by Virginia. I admit, if the expenditures of the Government were now defrayed by taxes imposed and assessed upon lands and the improvements thereon, according to the above rule, and no revenue were collected from any other source, that we should be bound to observe the same rule in distributing among the States the money arising from the sales of land ceded by Virginia; But when the Treasury is not filled by taxes imposed on land, or upon the people of the States, according to the relative value of land and the improvements thereon within the States, I deny that the rule given in the articles of the confederation, by which the Treasury was to be supplied, is the rule by which the distribution is to be made. The deed of cession by Virginia does not refer to the rule for filling the common Treasury as prescribed in the articles of the confederation, and then declare that the uses and benefits secured to each State in the land ceded shall be proportionate to the contributions of the States under that rule. Instead of that, the deed of cession declares that the States shall participate in the use of the land, "according to their usual respective proportions in the general charge and expenditure;" not as then fixed by any given rule, but leaving Congress thereafter free to apportion the benefits, so as to make them correspond with the burdens imposed on the States. That such was the intention of Virginia in the act of cession, is too manifest to need further remark; and, as there is nothing to direct the partition of the benefits according to a rule then fixed, we are now at liberty to carry into effect the liberal and benevolent design of that State, according to its spirit, and to make the apportionment with a view to the burdens imposed by the existing system of taxation. Under this view of the subject, what ought the rule to be? By the constitution, direct taxes are to be levied on the people of the States according to federal numbers. Indirect taxes, or duties on imports, are burdens upon consumers; and, as it is reasonable to conclude that the States consume in proportion to their federal numbers, a division of the lands, or the money arising from their sale, according to federal numbers, will do equal justice to the people of all the States, and accomplish the object of Virginia. Her deed of cession imperatively demands such a division, because there is no other way by which you can give each State a proper share of the benefits derived from the public lands since the national debt has been wholly discharged. You are bound to use the fund for the benefit of the States. They are capable of managing the fund for themselves, and are willing to relieve you of the trust. Why not, then, hand over the estate to those who own it, and who are laboring under no disability? The States are not infants or lunatics. They require no guardians or trustees.

Under the articles of confederation, the lands ceded by Virginia and Georgia were accepted for the purposes I have stated. The confederation was bound to dispose of them for the uses mentioned, and the 6th article of the constitution of the United States declares that "all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation." We are therefore bound to respect and comply with the engagement made relative to the lands ceded by Virginia before the adoption of the constitution. The second clause in the 3d section of the 4th article of the constitution saves and recognises the claims of Virginia and every other State to an interest in the public land, and leaves the subject to abide the principles established under the confederation. Under that clause, Congress has power "to dispose of" the land, and good faith requires such disposition as was contemplated by the ceding States. The money arising from the sale of the land may be "disposed of" as the land itself. Converting the land into money facilitates the disposition of the land in regard to the ultimate objects to which the land itself must be applied. There is no distinction between the money raised by the sale of the land and the land, in reference to the constitutional power of Congress in disposing of them. If you can give the land itself to the States, so may you give the money for which you sell the land, and so may you give the crops and rents which issue out of the land.

I am done, Mr. Chairman, with the question of constitutional power. A committee of this House (and I believe of the Senate likewise) has reported that we can receive the bequest made by Smithson. If millions are placed in your Treasury by donors and testators, restricted indeed is your power if you cannot make gifts as well as receive them. But, in regard to the public lands, the people of the States ask for no gift; they demand what belongs to them; what they have purchased and paid for with their money and their blood; what was theirs by conquest and by treaty; and that which is now theirs in a strictly legal sense—this Government being nothing more than the stakeholder for their use and benefit. I will now proceed to show that every consideration of policy requires a distribution among the States of the surplus millions in the Treasury. The policy of the measure will be best shown by inquiring how the States will use the money if they get it; and how you, sir, and those associated with you, will use it if you keep it.

First. How will the States use it? They are now (or most of them) borrowing money for the purpose of improving their internal condition. They are engaged in constructing railroads and canals, in Macadamizing turnpikes, and rendering their rivers permanently navigable. The progress already made in such works, and the benefits already derived from them, have stimulated the States to put forth all their energies in completing improvements heretofore commenced, and beginning new works which cannot fail to promote the public welfare. Those States which folded their arms, and did nothing to open and improve the channels of commerce and intercourse which nature had furnished in magnificent rivers, but which were useless in consequence of some trifling obstructions—States which seemed never to have conceived the idea of creating a channel of trade and travel entirely artificial—have been roused from their lethargy by the prosperous examples around them. They now see that they are doomed to perpetual inferiority, unless they create for themselves the same kind of facilities which have elevated their neighbors, and poured in upon them a flood of prosperity. The farmers of the West are no longer content to break down wagons, kill horses, and fret and curse in a rencounter with a mud hole; they are no longer content to place their produce upon the margin of some river, and there let it lie until a freshet enables them to take it to a distant market. Sir, I speak for my constituents, (and I believe it is true in regard to the whole West,) when I say that they are determined to have the same advantages which other people enjoy, and that we feel that we have intelligence and energy enough to accomplish what other people have accomplished. Kentucky and the West have embarked in making rivers navigable, in making railroads and canals; and, to go on with the work, we have found it necessary to borrow money. The State I in part represent has authorized her Governor to contract for $2,000,000; other Western States have borrowed much more. Now, sir, if you will distribute $30,000,000, the share which Kentucky would receive, according to federal numbers, will exceed $1,500,000. This, with the future dividends of the surplus which may hereafter accrue, would enable Kentucky to complete her public works without paying interest on borrowed capital, and would avoid the necessity of imposing taxes upon her citizens. The money arising from the sales of public lands may, in all time to come, be regarded as a surplus for distribution, unless war or some other great national calamity should afflict us; for the revenue derived from customs and other sources will be equal to meet every useful expenditure which the Government ought to make. What would you think of a farmer, Mr. Chairman, who desired to improve his estate, and who should borrow money at a high interest with which to do it, when he had his chest full of dollars owned by him, and which he might use without paying interest to any one? A strait jacket and a lunatic asylum should be his portion. And yet, sir, such conduct is a fair illustration of the conduct of the present Congress, if we fail to divide among the States the surplus millions in the Treasury. We behold the States, in every direction, borrowing at interest to carry on their public works; and we sit here playing the dog in the manger over surplus millions. The real or pretended scruples of the President, and his unintelligible distinctions between national and not national works, between that part of a river above and that part of the same river below a port of entry, and his ready exercise of the veto power, have paralyzed the action of the General Government in regard to internal improvements, except in the most partial manner. When the broad and liberal system, sanctioned by former administrations, has been broken up, and when we see the people of the States taking it up, and determined to progress with it, we should give them the means which belong to them to go on with the work. If you will do it, I shall be reconciled, in a great degree, to the destruction of the system as a part of the business of this Government.

Only think, for a moment, of the great works which the States would accomplish with the money. New York might even surpass her splendid Erie canal, by the construction of her contemplated railroads and ship canals. Indiana and Illinois, following the example of Ohio, would soon unite the waters of the lakes with those of the Mississippi. Charleston and New Orleans might, in a few years, be connected with Cincinnati and

Nashville by railroads; and my constituents might see their rivers improved to the highest navigable points, and their towns and villages connected with those rivers by railroads.

I will not dwell upon the great works which the States might, and probably would, construct with the money. Every one knows that agriculture, commerce, trade of all sorts, and the whole business of life, would be beneficially affected by the execution of that system of improvement which this Government has thrown aside, and which the States have taken up. The statesman who, when he has it in his power, refuses to secure these blessings to the people, will meet their indignation, and will feel the remorse consequent on the knowledge that he deserves it.

But, sir, I would not limit the States in the uses and objects to which they might apply the money. They might, if they chose, appropriate it to the education of their children. Some of the States would probably apply at least a portion of it to that object; and I would not only sanction it, but desire it. I regard the system of common-school education, which prevails in New England and your own State, Mr. Chairman, (Mr. Mann, of New York, occupied the chair,) and which carries the knowledge of letters to the humble tenants of the houses of the poor, and enables them to read, to write, and to cipher, as one of the first blessings among the multitude enjoyed by the people of the republic. Sir, I do not say too much in its behalf, when I declare that life, liberty, and property, cannot be secure where ignorance prevails, or where ignorance rules. A foolish, uninformed people will become a prey to intelligent knaves. Despotism is the consequence; liberty is stricken down, lives are sacrificed, and property rifled. Mr. Chairman, I am indebted to an uncle's charity for what education I received, and I feel sensibly for the condition of those children whose parents are unable to help them. There are thousands who will become useful citizens, and some throw a lustre upon humanity, if our State Governments will lend a helping hand in due season. Sir, it is no uncommon thing to see instances of unassisted genius in the humble walks of life, by the force of innate power, stimulated by the freedom of our institutions, irradiate the gloom of birth, and become intellectual lights of the world. Sir, we ought to glory in assisting, directing, and developing, the faculties of the rising generation, who will soon occupy our places. The State should be the parent of the destitute, and bring them up for their country.

We know, Mr. Chairman, the many useful and glorious purposes to which the States would apply the money if they had it. Let us inquire how this Government will use it, if it be not distributed. We can only predict the future, by considering the present and the past. We have no assurance that you will do better hereafter than you have heretofore done. I will undertake in a few words to prove, by stating undeniable facts, that you will use the surplus millions in the Treasury and the public lands for improper and partial purposes.

Congress has heretofore appropriated and expended $5,307,721 18 in the construction of the Cumberland road; $2,763,006 33 having been expended in the States of Virginia, Pennsylvania, and Maryland, and the residue in Ohio, Indiana, and Illinois. By compact with these three new States, two per cent. on the nett proceeds of the sales of public lands, in their respective limits, is to be applied in making roads leading to those States; and three per cent. is to be paid them; making five per cent. in all. The whole amount received for the sale of public land prior to the 1st day of April last (no matter where the land was situated) amounted to $69,649,784 91; five per cent. on which is $3,482,489 25. It thus appears that, instead of laying out only two or five per cent. on the nett proceeds of the sales of land situated in Ohio, Indiana, and Illinois, in making roads for them, Congress has actually expended on the Cumberland road $1,825,231 93 more than five per cent. on the whole sum received for the sales of land in every part of the United States.

What right has this Government to expend for the benefit of these States so many millions in road-making, and deny to Kentucky a pittance for a like object? And yet this has been done. President Jackson, upon the pretext that the Government ought not to unite its funds with those of individuals, and become copartners in stock, and upon the ground that the Maysville and Lexington road was not national, puts his veto upon a bill making an appropriation to aid in its construction. I cannot turn aside to demonstrate the futility of such attempted distinctions, nor will I stop to deprecate the election of a man as his successor pledged "generally" to follow in his footsteps. I will proceed to exhibit other evidences of partiality in past legislation, giving the new States advantages over the old, in regard to the uses and benefits drawn from the public lands, for which it will be difficult to find any warrant in the deeds of cession creating the trust, under which the General Government holds the title.

The following quantities of land have been granted to the new States for the purposes specified, to wit:

	Acres.
For the use of common schools - -	10,631,817
To aid in constructing roads and canals -	2,446,951
For seats of Government - - -	28,989
For colleges and academies - -	484,320
Total donations in land - -	13,592,077

The land thus given, at the minimum price of $1 25 per acre, would bring $16,990,096. There is no doubt that these lands at this day are worth nigher fifty millions than sixteen. But take the minimum estimate, and add to it the amount expended upon the Cumberland road, and you will have an aggregate exceeding twenty-two millions of dollars, which the new States have obtained from the General Government, in land and money! I ask you, sir, where will you look to find any such benefits conferred upon the old States? I know the answer. It will be replied, that the donations to the new States were made with a view to enhance the value and increase the demand for the lands retained by the Government. But I also know that the increased value of the public land, in consequence of these donations, has not been a tithe of the value of the lands given to the new States. Perceiving how prodigal of favors Congress had been in respect to the new States, and thinking that Kentucky, although she had no land belonging to the United States within her boundaries, might justly claim the title and name of a new State, (being the first-born of the Western sisterhood,) I proposed, on a former occasion, that $500,000 should be appropriated, to be placed in the hands of, and expended by, the board of public works in Kentucky, in improving the rivers of that State. My proposition was instantly voted down, and I fancied that I read in the looks of some members from the public-land States, which have already received their millions, the language of exultation. They seemed to me to consider my motion as the offspring of impudence, rather than the result of a just claim on the part of Kentucky to a participation in the benefits which Congress may and ought to confer without the least partiality, among the States. Sir, you have given money and lands to the new States, and preemptions and floats to their citizens, until they have become as spoiled children, and presumptuously claim dominion over the public lands and their proceeds. There is now a bill before Congress to appropriate $600,000 for the further extension of the Cumberland road, and you can scarcely mention the subject of the public lands, without being told that you ought to graduate their price, and, after a few years, give all which are not sold to the States in which they are situated. It is high time for the old States to apply the rod of justice to these spoiled children, and put an end to their arrogant pretensions.

Let us consider for a moment the propriety of the new scheme for disposing of the public lands, and especially that of reducing the price, and then selling them in limited parcels to actual settlers only. I pronounce the scheme unjust, partial, speculative, and fraudulent, and will prove it in a few words.

It is unjust, because it is notorious that there are millions of acres of unsold land worth more per acre than the price now fixed as the minimum. By reducing the price, the difference between the present price and that to which it may be reduced will be so much given away by the Government to the future purchasers of public lands. You are bound by every principle of justice to sell these lands for their value; and so far as you take less than their value, to that extent do you enrich the purchaser and defraud the people at large, for whose use you hold the lands in trust.

It is unjust, again, because by it you sell as good land, at a smaller price, to the new settler, than you sold to the old settler many years ago, and who had to encounter much greater difficulties in making his settlement than settlers of the present day experience.

It is partial, because such a system would only benefit the agricultural classes. Professional men, merchants, mechanics, and manufacturers, who carry on their business in cities and villages, would be excluded from purchasing lands on which to settle themselves or their children, in case they should change their pursuits, or be compelled to emigrate at a distance from the places where they long resided, and where their friends and connexions live, to find vacant lands on which to settle. We should allow the merchant or mechanic who settles upon a lot in a new village of the West to purchase his quarter section in the neighborhood as soon as he is able to pay for it.

It is partial, again, because it gives the citizens of the States and Territories where the public lands are situated, great advantages in acquiring those lands over the citizens of the old States. Those who are already settled on their own lands in the new States might erect cabins on the adjoining public land, and, by moving a few hundred yards or a mile, be entitled to settlement rights upon as good land as that they now occupy at a diminished price. It is this advantage which would put it in the power of the citizens of the new States to select and settle the best lands, before the citizens of the old States could get ready to commence a journey of exploration, that has caused the deafening clamor from the new States in favor of graduation and settlement rights. Not content with growing rich faster than any people ever did, I fear they look with a covetous eye on the delightful lands owned by the public in their neighborhood, in violation of the tenth commandment. The only ground upon which to escape is, that land owned by the Government is not the property of a "neighbor;" and upon such a plea, the loose morality and worse religion of some people justify them in filching from the Government whatever they can get.

It is speculative, because it would enable rich speculators to obtain large quantities of the best lands upon lower terms than they now can. Such speculators could and would furnish settlers to any number out of the foreign paupers annually imported into this country, and who, by our naturalization laws, are converted into citizens before they understand the nature of our institutions, or the blessings conferred by regulated liberty, and the evils resulting from licentiousness. Speculators would get such persons to settle the land, and take their bonds for titles; and, to prevent it, you would be compelled to violate one of the first principles of freedom, to wit, the right of contracting, and to prohibit settlers from selling their lands for a limited time, or altogether. A report from the Treasury Department shows that there were forty-eight thousand seven hundred and sixty-four foreigners brought to this country in the year 1835; and I suppose hundreds, if not thousands, came to us through Canada, of whom there is no account given.

It is speculative, again, because it allows a continued series of settlements and sales; so that when an individual has lived the prescribed time on a tract, he will sell it and settle another; and so go on through life, if he pleases. If, to prevent this, you provide that no man shall have more than one settlement, then if he is forced by necessity to sell it, or if he is sold out by execution, he can thereafter acquire no more of your public land, unless he gets it second-hand, although he may retrieve his fortunes and be able to pay you for a home. You force such a man to be a renter for life, or to purchase second-hand, at a high price, or to violate your law and play the swindler.

The new system contemplated is fraudulent, because it enables any one to swindle the Government, and obtain a tract of land in each State and Territory where there are public lands, notwithstanding the law may limit them to one settlement right. This will be done by moving from State to State, and Territory to Territory. Who will follow and detect the fraud? It will be nobody's business, and it will not be done.

It is fraudulent, again, because it leads to litigation and perjury in contests about the priority of settlements, where a millseat, or a site for a town, or a first rate tract of land, is the prize contended for. Every bad passion which can agitate the human breast will be excited by such a contest.

In conclusion, on this new land system, permit me to remark, that the same system which might answer very well in the non-slaveholding States will not answer to the South. Give a non-slaveholder a quarter section, and you give him more than he can use. But a slaveholder, who has a gang of fifty or a hundred negroes, cannot do with less than one or two sections. Will you give to the non-slaveholder a great deal more land than he can possibly use, or will you restrict the slaveholder to a quantity not half enough to carry on his operations upon? The idea of ceding the refuse lands to the States, if they are worth any thing, would, if carried into effect, be a palpable violation of the trust conferred on you by Virginia and Georgia, and the obligation you have assumed to dispose of the lands for their benefit, in common with the other States. I am willing to sell swamps and hills at less than the rich farming lands are sold for; and as soon as the good lands are sold, we will fix the price for the bad.

Sir, the whole scheme had its origin with "scurvy politicians," who believed that the people were simple enough to be gulled and corrupted by it. They and their scheme alike deserve the contempt of honest men.

Let us return, Mr. Chairman, to the manner in which this Government will use the money, if it be not distributed among the States. Sir, it will be kept in pet banks, to increase political power, to favor sectional interests, and to make fortunes for those who wear the collar, and who are ready to bark up any tree for a sop. Your President, Mr. Chairman, made war upon the Bank of the United States. By his veto he refused to permit it to be rechartered. He told the people, before his re-election, in his veto message, dated July 10, 1832, that "a Bank of the United States is, in many respects, convenient for the Government and useful to the people." In the same message he said, "That a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, I do not entertain a doubt."

He said, "Had he been called on to furnish the project of such an institution, the duty would have been cheerfully performed." Mark the idea! the "duty" of the President to furnish "projects" of laws to the representatives of the people! I will not stop to inquire what part of the constitution prescribes that duty. As a quietus to the whole subject, the President said, in the same veto message of the 10th of July, 1832, "A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result." Oh, what an admirable display of republican virtue! What a modest suggestion of a perfect willingness to abide by the "verdict of public opinion," as it might be handed in by a new Congress on its arrival at the Capitol!

But lo, the sequel! The President was re-elected in the fall of 1832, and qualified for his second term on the 4th of March, 1833. The new Congress, elected under the last census, and which was to "bear to the Capitol the verdict of public opinion," could not meet under the constitution and laws, as they then stood, sooner than the first Monday in December, 1833. Dates are often important things. Did the President wait for its arrival, and then abide by, and conform to, its "verdict?" No, sir, he did no such thing; but, with characteristic faithlessness to the expectations he had excited by his apparent devotion to public opinion in the veto message, on the 18th of September 1833, a little more than two months before the meeting of the "new Congress" to which he had appealed, in a paper read to his cabinet, he declared: "Whatever may be the opinions of others, the President considers his re-election as a decision of the people against the Bank;" and thereupon he usurped the power of deciding a question which the law had expressly given to the Secretary of the Treasury, and assumed the responsibility of removing the deposites, thereby seizing upon the money of the people. To cloak these proceedings with the semblance of legality, he removed Mr. Duane, and appointed Mr. Taney, so that the removal of the deposites, upon paper, would appear to be his act, when, in truth, it was the act of a dictator, who, according to law, had no right to command or order it to be done. Sir, what was the secret motive for all these doings? Why did the President affect to know beforehand what "verdict" would be given in, and proceed, contrary to all the forms of law, to enter judgment and decide the controversy before the jury had been empannelled? By the by, his new Congress never could be brought to a direct decision upon the matters involved, and shamefully evaded giving any verdict approving or condemning the proceedings of the President, which superseded their action in bringing the question of *a* or *the* national bank "to a satisfactory conclusion."

Why, I repeat, has the Bank of the United States, the best institution of the kind that ever existed, been destroyed? I am convinced that the true reason for it is, that the directors were too honest and independent, and refused to become the tools of the Executive and the agents of the party. The correspondence which the examination of the bank elicited, in reference to the branch at Louisville, Kentucky, more than the correspondence in regard to the branch at Portsmouth, New Hampshire, and both taken together constitute the basis of my belief. The deposites were removed to obtain power, and to gratify a malignant temper.

The experiment has failed most signally in securing a better currency for the people; but it has succeeded most admirably in securing more power to the party. Sir, if the President had obtained the mastery over the bank, and prostituted it to vile party purposes, he could only have gotten the control of a capital of $35,000,000, and a debt due not exceeding $70,000,000; but, by the change, he has obtained an influence and a control of the capital of the pet banks, amounting to $43,690,980 28, and a debt due them of $101,625,817 09. Our surplus millions, deposited in these pets, are used by them for the benefit of the stockholders, the Marquis of Caermarthen included, although a foreigner and of the nobility? The President can prostrate and bankrupt the whole concern at a breath. He has only to call on them to pay what they owe the Government, or to determine on a second removal of the deposites, and they are ruined. Think you, sir, that they will not court his favor, and be obedient to his will, so that they may make money and avoid destruction? I will lay before the committee the condition of things in the three deposite banks in the city of New York on the first day of March last, or as near that day as returns could be had; and we shall perceive ground for many serious reflections, and may thence learn the operation of the whole system:

Situation of the deposite banks in the city of New York on the 1st of March, 1836.

	Capital.	Loans and discounts.	Domestic exchange.
Bank America,	2,001,200 00	4,562,086 73	477,041 73
Manhattan Bank	2,050,000 00	4,026,658 99	
Mechanics' Bank,	2,000,000 00	5,809,388 40	
Dollars,	6,051,200 00	14,398,134 12	477,041 73

	Other investments.	Specie on hand.	Public money deposited.
Bank of America,	907,053 95	1,265,439 28	3,411,240 51
Manhattan Bank,	1,086,055 65	1,173,982 41	3,273,495 90
Mechanics' Bank	869,138 72	1,031,343 00	3,730,794 31
Dollars,	2,862,238 23	3,470,764 69	10,415530 72

There was due to the above banks by other banks the sum of - -	$3,256,001 99
There was due to other banks by the above banks the sum of - -	674,854 36
On this sum the deposite banks of New York might charge interest -	2,581,147 63
To ascertain the aggregate productive capital, or that which may be made so, add loans and discounts - -	14,398,134 12
Add also domestic exchange - -	477,041 73
Add also other investments - -	2,862,248 32
	$20,318,571 80

Thus, by the aid of the public money deposited in these three banks, they are enabled to make a profit on $20,318,571 80, when their capitals together only amount to $6,051,200, and when their specie on hand is only $3,470,764 69. The amount of their specie is the extent of their wealth in reality; but as Government favorites and chartered monopolies, their three millions are increased to twenty! No wonder, sir, that your people of New York, and especially your city stockholders, should be willing to perpetuate this system, seeing they are so handsomely rewarded by it. Besides, the heaviest deposites will be made for ages to come, under this system, in the New York city banks, because the largest amount of revenue is paid and collected in that city. Now, suppose the President should, to punish these New York pets, and with a view to reward the banks in Kentucky for political services, (should they be base enough to make the arrangement,) order the $10,000,000 of public money in the New York banks to be transferred to Kentucky. Is it not clear that the $10,000,000 could not be paid upon demand, and would there not be great danger of producing unparalleled desolation among the debtors of those institutions, if it did not extend to the whole country, by the rigid enforcement of such an order? Sir, I should but exhaust myself, and fatigue the committee, by tracing in detail the evils of the present miserable system in relation to our public money. Let us break it up by dividing the money among the States.

Unless we distribute, much of the money will, hereafter, as heretofore, be applied to extravagant and sectional purposes. You have already appropriated near $1,000,000 for a custom-house in New York. My intelligent and indefatigable colleague, [Mr. C. Allan,] who has been in correspondence on the subject, has received authentic information that the marble for the building alone will cost $349,085. You have appropriated $350,000 for a custom-house in Boston, and refused to adopt an amendment which I offered, proposing to limit the total expenditure to that sum. How much more than the sums already appropriated, these two palaces, constructed for the decoration of the cities rather than for any business purpose, will cost, no one can conjecture. You have, during the present session of Congress, got up a South sea bubble, and have appropriated $300,000 to send out a naval expedition in search of Symmes's hole, or some unknown islands, whereon to catch seals! You have a Treasury building to erect in lieu of that consumed by fire, and, judging from the extravagance manifested in the cases of the custom-houses, you will probably spend a million and a half in building your Treasury. When all these splendid palaces are erected, your officers who tenant them will require salaries proportionate to the magnificence of the buildings, and you will be called on to pay their servants in livery from the public chest. Sir, this is not a mere fiction of the brain. Although you allow President Jackson a salary of $25,000 a year, you have granted $1,500 to pay a secretary for signing the President's name to land patents—a duty which the secretary does not perform, if my judgment is correct, founded upon the difference in the handwriting of the names of the President and secretary in several patents which I have recently received from my constituents. Thus the secretary gets the whole salary, no doubt, and does only half the work the law requires him to do; letting a clerk write the President's name, while he writes his own only. Our former Presidents could find time to sign their own names to patents; but General Jackson is probably fully occupied signing new commissions to fill vacant offices occasioned by his removals, and the other duties of his station. I have seen, in the documents laid before me, that you pay the President's gardener $1,000 a year—just as much as a talented circuit judge receives in Kentucky. Going on at this rate, it is not at all improbable, if your candidate for the presidency succeeds, we shall see a salaried tailor attached to the establishment at the White House. There is a precedent, I am told, in New York, which shows that some of her officers may draw on the public Treasury for mending breeches.

Mr. Chairman, I cannot repress my indignation when I reflect upon the extravagance and folly which are stamped upon your appropriations, and when I see the glorious purposes to which the money might, and ought, and would be applied, but for the degrading misrule and degeneracy of those in power. The character of the times has changed. Instead of taking a common-sense view of things, and honestly applying our surplus means to the improvement of the country, by which all ranks and classes would be benefited, we are giddy with conceptions of magnificent domes and geographical discoveries. Our thoughts, like the fool's eye, are roaming to the verge of the earth after adventures and fame, while we neglect practicable things of vast importance at our doors. The hearts of politicians have become corrupt. Office and power are sought after for the sake of money, instead of the noble, and benevolent, and patriotic purpose of doing good; and in the selfish scramble for the division of the "spoils," the disgrace, if not the overthrow, of our institutions will surely take place. Our best remedy will be found in divesting this Government of the means of corruption and prodigality, by placing the surplus at the disposal of the States. If the money be not distributed, it will not only be used for such improper purposes as I have mentioned, but you will pour it out upon chimerical projects, which you will attempt to palm upon the people, and to render popular under the captivating yet delusive pretext of public defence. The party to which you belong, Mr. Chairman, understand the value of a popular name as well as any set of men that ever lived; and they can wear out a good name, and render it odious, as soon, too, as any set to be found in the world. A Jackson democrat is a name that has nearly closed its career. It took well; but I doubt whether, with all your coaxing, you can get the collar fastened on the necks of the people, with the brand of "Jackson Van Buren democrat" upon it. Sir, you must take the collar off, to engrave the new title upon it; and my word for it, there is great danger that you will never be able to put it on again. The people are opening their eyes to the deceptions which have been practised upon them by false professions, and you will never be able to put on new halters, if you let them loose by taking off the old.

Some of the bills of this session, purporting to provide for the public defence, would be more properly denominated bills to squander the public money. Such is the bill, in part, now before the committee. It proposes to allow the President to purchase new sites for fortifications, and appropriates a large sum to that object, with others, and does not pretend to prescribe how much ground shall be purchased, nor in what place, nor at what price. We thus surrender the salutary control which, as representatives of the people, we ought to exercise, and confer an unlimited discretion upon the President, who may make purchases of land upon the seaboard or in the mountains, in New York or Nashville, just as it may please him. I will vote away money for no such object. Before I will vote the money, I must know where the land is situated, what it is wanted for, and what it will probably cost. At one time, in the early part of the session, it almost seemed to be the determination of the majority of this House to convert the whole line of seacoast into one continuous breastwork, and to mount it with cannon. Nothing less grand and stupendous than a Chinese wall around the empire seemed to meet the elevated conceptions of the Military Committee. The number and magnitude of their fortifications upon paper gave ample scope for the imagination; and we saw with fancy's eye embrasured castles looming through old ocean's mist, from Passamaquoddy to the Balize. But, sir, this enchantment, conjured up to deplete the Treasury, has vanished under the wave of Secretary Cass's wand. His common-sense report has exposed to ridicule the silly idea of fortifying every hamlet, village, and inlet, upon the seaboard; and, in all time to come, I trust that our statesmen will limit their ideas of seaboard fortifications to the protection of our naval stations and principal cities. To render these impregnable to any assault, I would grant any sum. After that, our surest defence is in the stout hearts and strong arms of our countrymen, and the ability to concentrate them, and all the implements and munitions of war, with rapidity, at any threatened or invaded point. Only construct the Charleston and Cincinnati, the New Orleans and Nashville railroads, and you will accomplish more for the defence of South Carolina and Louisiana than fifty or a hundred millions could effect, if expended in building fortifications along the seashore. An invading enemy, whose object was plunder or conquest, would land and pass into the interior, where there was no fort to annoy him. The railroads would enable us to throw an army from Ohio, Kentucky, or Tennessee, upon the enemy, before he had time to gain a foothold. As the surest and most effectual means of defence, therefore, good policy requires us to distribute the money, so that the States may construct those works, which will aid our military operations beyond measure. Permit me to strengthen these suggestions by reading the opinion of one of our most distinguished military men, taken from a letter addressed by General Jesup to Mr. Shriver, relative to the Chesapeake and Ohio canal, and published in 1824. The general says: "How important soever internal improvements, such as roads, canals, and bridges, may be, in a political and commercial point of view, I am persuaded they will be found still more so in relation to the military defence of the country; for the military power of a nation consists not so much in a numerous population and great resources, as in the capacity which it possesses of concentrating them at assailable points with certainty and rapidity. If this proposition be true, (and I hold it to be undeniable,) it inevitably follows that the nation having the best system of internal improvements, all other circumstances being equal, will be more powerful than any other, particularly in wars of defence, because it can place at any point on the frontier a greater force and a larger portion of supplies, in a given time, than its antagonist." The letter proceeds, and, by conclusive reasoning, places the truth of the above positions beyond all doubt.

My esteemed colleague [Mr. C. Allan] has furnished me with the aggregate amounts of the various sums proposed to be appropriated by the bill now under consideration, and two bills presented by the Military Committee for the construction of new works, the foundations of which have not yet been laid. The bill now before us, and the amendments thereto, propose to appropriate $3,772,058; and the two bills from the Military Committee propose to appropriate $2,503,800. Thus we are, and will be, called on to vote for $6,275,858 for fortifications in one year, during the same session, unless the able report from the Secretary of War shall arrest us in the midst of our madness. Sir, you cannot spend judiciously a fourth part of the money. You cannot get the materials and laborers. Sir, you cannot, in the remainder of this year, spend a tenth part of the money, unless it be corruptly wasted. The average appropriation for fortifications, since the year 1816, has been annually about $700,000. The estimate for 1835 was $439,000, and in 1836 we have schemes before us which call for $6,275,858! Heretofore the appropriations for naval purposes averaged about $3,500,000 a year. The naval bill this year amounts to $6,255,307. Sir, I was startled when my colleague communicated these facts to me. They point to a settled purpose of squandering the millions in our Treasury in visionary projects, rather than have them distributed among the States! My only hope, sir, is, that the people will hold their representatives accountable for these monstrous abuses!

I have noticed, Mr. Chairman, in the course of this and other debates during the session, that the advocates of what I believe to be a most chimerical system of fortifications have enforced the propriety of adopting their plans by representing the nation as destitute of the means of resisting aggression or prosecuting war. I propose to show, by contrasting our situation in 1811, just preceding the declaration of war against England, with what it now is, that those who represent us as weak and defenceless greatly err, if they do not calumniate their country.

The total revenue for the year ending 30th September, 1811, was—

Customs and miscellaneous, - -	$12,774,385 14
Land sales, - - - - -	767,061 23
	$13,541,446 37

The revenue for the year ending 31st December, 1835, was, exclusive of dividends on bank and canal stocks, and miscellaneous items—

Customs, - - - - -	$19,334,547 79
Land sales, - - - - -	14,559,193 71
	$33,893,741 50

Population, as ascertained by the census of 1810, - - - - - -	7,239,903
Population now is double what it was in 1811; by the census of 1830 it was -	12,535,291
On the 31st of December, 1811, the national debt amounted to - - -	$45,154,189
In 1836 we have no national debt.	
In December, 1835, General Macomb reports the grand total of the army at -	7,198
The latest returns of the militia (and those are incomplete) show a force of -	1,310,450

I have not laid my hand on any document showing how the army and militia stood in 1811.

In 1811 we had in commission 5 frigates, carrying 200 guns; 8 sloops, 126 guns; and 2 schooners, 22 guns, - - -	15 vessels.	348 guns.
Ditto, in ordinary, 5 frigates, carrying 172 guns, - -	5 vessels.	172 guns.
Total naval armament in 1811, -	20 vessels.	520 guns.
In 1835 we had in commission 1 ship of 74 guns; 4 frigates, 176 guns; 9 sloops, 162 guns; and 5 schooners, 60 guns, -	19 vessels.	472 guns.
Ditto, in ordinary, 5 ships of the line, 370 guns; 4 frigates, 176 guns; 5 sloops, 90 guns; 1 schooner, 12 guns, - -	15 vessels.	648 guns.
Ditto, building, 5 ships of the line, 370 guns; 7 frigates, 308 guns; and 1 steam ship, -	12 vessels.	678 guns.
Total naval armament in 1835, exclusive of the steam ship, -	46 vessels.	1798 guns.

Thus, sir, with a revenue increased nearly threefold since 1811; with a population doubled; exempt from a national debt; with a regular army exceeding 7,000 men; with a militia at this time equal to a million and a half of fighting men; and with a naval force treble that which gained so many laurels in warring with England, members of Congress speak of our national weakness upon this floor, and call upon us to vote millions to empty the Treasury upon ill-digested projects of defence. Sir, it is individual, and not national, weakness which generates such speeches. But again: only look at the manufacturing ability of the country to clothe an army, and compare it with the state of things during the war of 1812, when our soldiers were freezing for want of comfortable blankets. I saw it stated in a newspaper paragraph, a few days since, that in 1808 there were not ten bales of cotton spun by machinery in the United States; while, in 1835, there were spun 216,880 bales. I present these facts, Mr. Chairman, for the consideration of statesmen. They will have their influence with those of all parties, whose intellectual pinions can elevate them above the filthy level of a brawling politician. I throw them out for the contemplation of the eagle who can soar in the heavens, and explore the wide expanse of earth and moving things below him. Your tomtit, who hops and flutters in the circumference of a brush heap, and exultingly twitters over a crumb which has fallen from the table of executive patronage, can have no conception of things so vast and important.

Suppose, Mr. Chairman, you pass the bill under consideration, just as it is, and all other bills upon your table appropriating money for fortifications, what will come next? I need scarcely say that forts are useless unless mounted with cannon; that cannon are harmless things unless charged with powder and ball; and that forts, cannon, powder, and ball, are all good for nothing unless managed by skilful men. Men cannot garrison your forts and live upon the wind. They must be fed, and clothed, and paid their wages. When you build a few scores of new fortifications, the next thing will be to increase your standing army, in order to man the guns and take care of the forts. To accomplish all, there will be many fat jobs to let; contractors will grow fat; and there will be a new field of patronage, in which the President will feel his power in appointing new officers, and no doubt he will use it to the best advantage for the good of the party. But, sir, whose money will pay for all these things? Who will be taxed to keep up the establishment, after the money arising from the sale of the public lands is all spent! for it cannot last always. Your constituents and mine will then have to bear the burden. I do not intend, if I can help it, that it shall ever come to that; and I shall vote against every entering wedge, knowing the truth of the old adage, that "an ounce of preventive is better than a pound of cure," and knowing that if these things are once saddled upon the people, they will never be able to get clear of them.

I have been a little curious, Mr. Chairman, to find out the opinions of others upon the subject of distributing the proceeds of the sales of the public land among the States; and I have noticed the conduct of individuals and of public bodies with some anxiety. There are three parties; and it would be amusing, were it not for the painful solicitude generated by the magnitude of the interests involved, to inquire minutely into the motives of the parties, and to trace the various circumstances by which they are influenced. Pennsylvania, Kentucky, and many other States, come out openly, and instruct their Senators and request their Representatives in Congress to favor the measure; while most, if not all, of the new States take the opposite course. Why this difference? Trace it to its source, and you will find that Pennsylvania, &c., act upon the idea that the fund belongs to all, and that justice and sound policy require its distribution; while the new States look upon the distribution as calculated to deprive them of the great advantages they have heretofore derived in donations from this Government; to cut off the cherished hope of having the lands ultimately ceded to them; and to break up the harvest of speculation, which they are endeavoring to mature by graduation and pre-emption laws. The State which you in part represent, Mr. Chairman, the State of New York, at present occupies an equivocal position in regard to the distribution. Let me read you what your former Governors thought and said upon the subject of distributing the surplus revenue. Here it is:

From Governor Clinton's message, January 2, 1827.—"As, however, the General Government is possessed of the national domains, and has exclusive authority over the most productive sources of revenue, I believe that the power of distributing the necessary funds among the several States, for objects of public improvement, ought to be incorporated into the constitution, if not recognised as already in existence."

From Governor Throop's message, January 5, 1830.—"In a very few years, the national debt will be paid, and as but a small portion of the revenue will be consumed in conducting the affairs of the Union, within the constitutional limits, and as there are no prudential reasons for continuing the duties to a certain extent, there can be no valid objection to the distribution of the surplus revenue among the States, to be disposed of at their discretion."

From Governor Throop's message, January 4, 1831.—"I submitted to the consideration of the last Legislature the propriety of taking measures to procure a distribution of the surplus revenue of the United States. * * * I esteem it of sufficient importance to renew the suggestion, and press it earnestly upon your consideration."

Following the recommendations of Governor Throop, in March, 1831, the House of Representatives of the New York Legislature resolved, unanimously, "That the surplus revenue of the United States, beyond what shall be deemed by Congress necessary for the expenses of the General Government, and a proper provision for public defence and safety, ought to be annually distributed among the several States, according to their population, to be estimated in the manner pointed out by the second section of the first article of the constitution, for the apportionment of representatives and direct taxes." But how does New York stand now? Judging from the speeches made by yourself, Mr. Chairman, and others of her representation on this floor and in the Senate, she has veered about, and is now opposed to the distribution. Why the change! It is said, and I fear with too much truth, that your object is to hold on to the money, to aid in the election of a President; and not to interfere, at this particular time, with the policy and schemes of the new States, for fear of losing votes. Sir, if I had the election of a President more at heart than I have the welfare of the country, I would rejoice to see Congress adjourn without distributing the surplus. Every body knows it is in the power of the New York party to do it; and every body knows, if it fails, that your party will be the cause of its failure. If you do not make the distribution, the people will be convinced, beyond a doubt, that you are influenced by corrupt motives, and the people will blow your candidate "sky high," with the breath of their indignation. Sir, if you wish to elect Mr. Van Buren, you had better let the States have the money. Withholding it from them will lose you more among honest men than you will be able to gain among knaves by the use of it. If that be not its operation, then I despair of the republic. It is destined for destruction.

In the course of this debate, I noted many very exceptionable remarks made by those who have preceded me. I thought, at the time, if I said any thing, I would reply to them; but I find it is impossible. I must come to a close, and leave many things unnoticed which ought to be held up for public condemnation. I am constrained, however, before I sit down, to notice a few observations which have fallen from different gentlemen in the course of this latitudinous debate.

And first, Mr. Chairman, in regard to yourself: You took occasion the other day, another bill being under discussion, to charge those in favor of distribution with an unwillingness to vote money, even to defend the country against Indian massacre, because, as you said, we wanted to divide the "spoils," and take home our respective shares to our constituents. How did you know, sir, that our hearts were so eagerly bent upon the division of the "spoils?" It is a common rule to judge others by ourselves, and I am not sure but you have felt its influence in the present case. Had you any right to impute improper motives to us, from any vote we have given? Have we not been prodigal in voting supplies to suppress Indian hostilities? Sir, as much as my constituents want a portion of this money to aid them in their public works, they would not take a dollar of it for that purpose, when it was needed to save the lives of women and children from the scalping-knife and tomahawk. They would scorn me, as an unworthy representative, if I refused to make proper appropriations for public defence. It would be no justification to tell them I had secured a division of the money. Their indignant answer would be, we wanted no division under such circumstances; you ought to have applied the money in saving the lives of the people. Sir, your insinuation was neither creditable to us nor to yourself. You had no more cause or right to make it, than I have to charge you with exultation whenever you hear of Indian butcheries, because such things afford you suitable opportunities to raise a panic, and plausible pretexts to vote away millions; and thus enable you to reward your friends by throwing the money into their pockets, instead of dividing it among the States, to be applied to works of internal improvement, to education, or any thing else the States may please.

Sir, I have voted, and mean to vote, for every appropriation necessary to suppress Indian hostilities, and to defend the seaboard. After doing all that, there will still be a large surplus for distribution; and it is our duty to apply it in promoting other great interests of the country. In regard to these Indian hostilities, I believe that the administration is blameable for their existence. The gentleman from South Carolina [Mr. Pickens] took occasion to condemn the President for his anti-nullification principles in reference to his State. I should not have introduced that topic; but as he did it, I take this occasion to say that, if I am correctly informed, the President was a nullifier of the first water, of the South Carolina school, at one time, and, while of that faith, wrote a complimentary letter to Mr. Hayne, praising his nullification speech; and, moreover, sent them under his frank, printed in gold letters, to his friends! However that may be, it is certain that the President, to this day, continues to be a decided nullifier in Georgia and Alabama, abrogating Indian treaties, treating with contempt the decision of the Supreme Court, allowing these latter States to rule the Indians by laws they do not understand and have no hand in making, and permitting Georgia to seize upon and parcel out the Indian lands. Sir, you may trace the wars in the Southwest to the President's nullification, and to the oppression which he has tolerated, and which it was his duty to prevent. The Indians have been driven to madness, and they are breathing vengeance. But, sir, I will not go into the causes of the war for the purpose of refusing money necessary to bring it to a successful termination. If a man's house is on fire, the first thing to be done is to put it out; and after that, then to find out the incendiary and punish him for the crime. I am for putting out the torch of war which blazes in Florida, Georgia, and Alabama, in the first place; but I am also for keeping in view those errors in doctrine and since in practice which have brought the evils upon us. We shall learn wisdom and justice by so doing. The President will find some excuse, probably, for his anti-nullification in South Carolina, and his ultra-nullification in Georgia, about as satisfactory as his distinction between that part of a river above, and that part of the same river below, a port of entry!

One remark more, and I am done. The chairman of the Committee of Ways and Means [Mr. Cambreleng] said some days since that the distribution of the surplus money among the States would corrupt them. The charge is calumny upon the States. Have they been corrupted by the large sums they have borrowed, and are borrowing? No, sir; the motive which induces them to borrow is founded in a virtuous, lofty patriotism; the uses to which they apply the money borrowed prove their fidelity and honesty in promoting the public good, and afford a certain guarantee that placing in their possession that which they demand as a right, and not as a favor, will not corrupt them, but make this Government a great deal better.

Before Mr. Underwood had concluded his remarks, as given entire above, he gave way for a motion that the committee rise; which was decided in the negative: Yeas 50, nays 71.

Mr. **WISE** renewed the motion that the committee rise, Mr. Underwood having given way for that motion.

The vote on this motion was, yeas 51, nays 55; and no quorum voting, the committee rose, and reported that fact to the House.

A motion was then made that the House adjourn, upon which the yeas and nays were ordered; and the question being taken, it was decided in the negative: Yeas 66, nays 69.

Mr. **ADAMS** moved a call of the House; upon which motion the yeas and nays were ordered, and the question was decided in the negative: Yeas 45, nays 95.

So the motion for a call of the House was overruled.

Mr. **SUTHERLAND** moved to suspend the rules, so as to make the bill the order of the day for to-morrow, at 11 o'clock; which motion prevailed: Yeas 110, nays 19.

And then the House adjourned.

Tuesday, May 24.

MEXICAN AFFAIRS.

Mr. **ADAMS** rose and remarked that he had asked the consent of the House several days since, to permit him to offer two resolutions, calling on the President for information. He had not been successful, and he now asked the consent of the House to submit the resolutions to which he had referred, and also to permit him to state, in a few words, the reasons which had induced him to offer them.

The resolutions were read for information, as follows:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the Government of the United Mexican States, for the acquisition, by the United States, of any portion of the territories of Mexico; and copies of all correspondence between the two Governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translations of any law, decree, or ordinance, of the Mexican republic, abolishing slavery within the territories thereof, which may be in the possession of the executive department of the United States.

Objection being made to their reception,

Mr. **ADAMS** renewed the request that he might be permitted to assign briefly the reasons why he had proposed the resolutions.

This was also objected to, when Mr. **CHAMBERS**, of Kentucky, moved to suspend the rule to enable the gentleman from Massachusetts to make the statement which he desired.

Mr. **HUNTSMAN** inquired whether the subject was divisible. He would hear the gentleman in reference to the first resolution, but not upon the second. He had no objection to the adoption of the former resolution, and he had reason to believe that the President would promptly give the information desired by it.

The **CHAIR** said the proceeding was irregular, and that the motion was not divisible.

The motion of Mr. Chambers was then negatived without a count.

Mr. **ADAMS** then moved to suspend the rules to enable him to offer his resolutions, and asked for the yeas and nays; which were ordered.

Mr. **THOMPSON**, of South Carolina, said, as the motion was not now subject to amendment, he wished to give notice that, if the rule was suspended, and the resolutions submitted, he would move to amend the first by inquiring also of the President the present condition of Texas, its political organization, and his opinion of the expediency of the recognition by this Government of its independence.

Mr. **HUNTSMAN** hoped, if it was practicable, that the motion to suspend the rules should be taken separately on each resolution. He was in favor of the first, but opposed to the second resolution. He had reason to know, and did know, that the President was ready to answer at any moment.

Mr. **ADAMS**, in order to accommodate the gentleman, would vary his motion, so as to suspend the rule to enable him to offer the first resolution.

The question was then taken, when there appeared: Yeas 82, nays 68. So the rules were not suspended, two thirds being necessary.

ABOLITION REPORT.

The House resumed the consideration of the report of Mr. Pinckney, from the committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. Robertson to recommit the report to the same committee, with instructions to report a resolution declaring that Congress has not the power to abolish slavery in the District of Columbia.

Mr. **ROBERTSON**, who was entitled to the floor, addressed the House in continuation of his remarks, but the morning hour having expired, Mr. R. resumed his seat without concluding.

Mr. **CAMBRELENG** moved to go into Committee of the Whole.

Mr. **CHILTON ALLAN** moved to suspend the rules for the purpose of taking up the bill to appropriate, for a limited time, the proceeds of the sales of the public lands in the United States, and for granting land to certain States, with the several motions pending to commit the same.

Mr. A. said that he would renew this motion from day to day, if he could get the floor, and would call upon his friends to give the yeas and nays. It was his desire to bring the House to a direct vote on the bill, that the question might not be dodged.

On this question the yeas and nays were ordered; and being taken, it was decided in the negative: Yeas 72, nays 108.

FORTIFICATION BILL.

The House then resolved itself into a Committee of the Whole, for the further consideration of the bill making appropriations for certain fortifications.

Mr. **UNDERWOOD** resumed and concluded his remarks, as given in preceding pages.

Mr. **CHILTON ALLAN** called for the reading of the original amendment of Mr. Cambreleng; which was accordingly read, together with the amendment to the same offered by Mr. Mercer, authorizing the establishment of a national foundry.

Mr. A. then moved an amendment, providing for a reduction of the salaries of all the Government officers, including members of Congress, to the amount of 25 or 33⅓ per cent.

Mr. **ADAMS** suggested that it was not in order to move another amendment to an amendment, thus accumulating one upon another.

Mr. **MERCER** remarked that, as his amendment seemed to embarrass the gentleman, [Mr. Allan,] he would withdraw it.

The **CHAIR** decided that the amendment was out of order, because the subject specially assigned for the day was appropriations for fortifications; and because, under the rule of the House, no amendment could be proposed essentially different from the subject under consideration.

Mr. **ALLAN** then addressed the Chair as follows:

Mr. Chairman, being in Committee of the Whole House on the state of the Union, and the grant of the money of the people for the supply of the Government, and the proposition for retrenchment which I have had the honor to offer, being the subject of consideration, the conduct of the Government in all its departments, as well as the propriety of reducing its expenditure, are relevant and proper topics of discussion in this present debate.

The effort that has been made to curtail the freedom of speech, and to exclude amendments from the appropriation bills, during the present session, is one of the most remarkable signs of the times.

From the earliest date of British liberty, free discussion was allowed on money bills. The public purse being in the hands of the Commons, was the great principle of English liberty. It was the effectual engine by which the Commons maintained the authority of the people in the Government, and restrained the power of the King. The supply bills have ever been the field upon which the battles between liberty and power have been fought. Yet, in the American republic, when power is thrusting its eager hands into the pockets of the people, their representatives are rebuked for resistance, and denounced for the exercise of the birthright of every freeman. But as we have already bountifully supplied the demands of power with millions, we have at length arrived at the point where, by common consent, it is agreed to be a fit and proper occasion for a full and free expression of opinion on our public affairs.

Having on another subject given my views on the surplus revenue, the national defences, and the course of the present administration, at present, before I proceed to the consideration of the plan of retrenchment, I will confine myself to a desultory glance at general principles and practices, and arguments, which the public good requires should be exposed.

Sir, in self-defence, I feel it to be my duty to describe the organization of this House, the mode of proceeding, and the effect of the previous question. All this is so very different from legislative proceedings in Kentucky, that it is necessary the people there should be made acquainted with the course of business here, to enable them to judge whether their immediate representatives have done their duty.

In this I do not intend to cast any individual censure on the Speaker of the House, for he has treated me on all occasions with courtesy and politeness; in the appointment of committees he followed party practice. In the Kentucky Legislature, every member can introduce any proposition, or get leave to bring in a bill on any proper subject he may desire, and can have a committee appointed favorable to the proposition, so that its friends may make it in as perfect a form as they can before it is brought before the House; and there the yeas and nays can be had, and the people be informed how every member voted. This is fair legislation; every portion of the people fairly heard, and responsibility fairly secured, in conformity with the ancient reasonable law of parliamentary proceeding.

Here, by our rules, no member can get leave to bring in a bill; the business of the House has all to pass through and receive the sanction of the standing committees. These standing committees, appointed at the commencement of every session by the Speaker, upon strict party principles, are the channels through which every measure is brought into this House. The Committees of Ways and Means, Foreign Affairs, Military Affairs, Public Lands, and the Judiciary, are the principal doors by which every question enters this House. On each of these committees there are placed three opposition members and six for the administration—two for one. Of course the opposition have no voice to bring forward any thing. The majorities of these committees decide the fate of all the important measures of the session. Whatever they recommend comes into the House under the sanction of the administration and of "the party," and is voted through as a matter of course; whatever they report against is voted down with equal certainty.

The effect of this party organization of the House prevents any member of the opposition from bringing forward an original proposition; and the previous question is used so as to prevent direct votes on amendments to bills which may be pending. For example, on the other day, when the general appropriation bill was before the Committee of the Whole, my friend from Virginia [Mr. Mercer] offered an amendment to divide the proceeds of the public lands, and to limit the cost of the custom-house in the city of New York to $500,000. The previous question was called, and the amendment cut off, no question being taken on the amendment; the question being, according to our preposterous rules, on the passage of the bill. So that, by the party organization of the House, and the frequent use of the gag-law, the previous question, the dominant party can not only prevent the minority from getting a fair and direct vote, by yeas and nays, but they can so involve their course in mystery as to evade responsibility, and "dodge what questions" they may not chose to record their votes upon.

In the Committee of the Whole on the general appropriation bill, as the only opportunity of bringing forward the measure, I offered the proposition for retrenchment; but in the House, to avoid a direct vote upon it, the previous question was called, and the journal does not show who was for and who against it.

But, sir, that the country may understand the subject, I have offered the proposition a second time, and call upon the House to take the vote by yeas and nays. And if this question is again "dodged" by the previous question, let it be distinctly understood that those who vote for the previous question are against the reduction of the expenses of the Government.

The effect of these modes of proceeding, to involve the course of the members in mystery, and to evade the responsibility, is manifest from another view of the subject. A party has been in power more than seven years, the members of which have been professing all the while a desire to amend the constitution, so that members of Congress should be rendered ineligible to executive appointments. They have all the time expressed a desire to reduce the expenses of the Government. They now have a majority, they say, of about forty in this House, and yet they cannot show by the journals that they have ever voted for any one of these propositions.

My colleague and friend [Mr. Underwood] brought in, early in the session, a resolution presenting all these constitutional amendments, yet we cannot get to discuss or vote on them. Under the party organization of the House and the perverted use of the previous question, it is impossible for my colleagues or myself to have discussed and voted on the great measures upon which the people of Kentucky desire to see the action of Congress.

I will make allusion to another subject characteristic of the times. It has become a part of a general scheme to delude and mislead the public mind, for "the party" to assume that these measures are identified with the honor and glory of the country; and every one who dares to oppose any one of these plans, however unwise it may be, is denounced as an enemy to his country. Let us see how time and reason and experience expose this arrogant folly.

In this year 1834, all who were not for reprisals against France were proclaimed to be enemies to this country. On the last night of the session, all who refused to vote three millions of money, to be used at the discretion of the President, and in clear violation of the constitution, were denounced as the allies of France. Now, all the world plainly sees that, if reprisals had passed, and the money been voted, we should now have been in the midst of a French war. It is now evident to all that those who prevented reprisals and refused to vote the money preserved the peace and honor of the country.

Among the signal blessings which a gracious Providence has showered upon our country, none is greater than such a national Senate, given at such a time—a body of the greatest men the world ever saw congregated in a legislative hall. Their debates, for the last five years, will be read with enthusiasm as long as liberty and genius shall live. In future ages they will become a political text-book among the friends of constitutional freedom, when all the selfish projects of the present day, for the obtainment of money and office, shall have perished in the forgetfulness of oblivion. The American Senate will go to posterity with the glory of having been the anchor of the vessel of state, in the tempest of all the passions unchained and let loose by the ascendency of party violence over the constitution.

The whole country has been filled with the lamentations of the exclusive patriots for the loss of the fortification bill of the last session; and, at this session, the following resolution was proposed:

"*Resolved*, That the President be requested to cause the Senate to be informed of, 1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortification."

And all were denounced as enemies to the country who would not agree to pledge the surplus revenue to this ill-advised measure; when, lo and behold, the enlightened Secretary of War, by the approbation of the President, in his luminous report of the 7th of April, completely demolishes the whole scheme; and the friends of an extensive plan of new fortifications, who had been so liberal in their denunciations of its enemies, were compelled to face to the right-about, a movement which frequent use had made easy and familiar in the evolutions of this administration.

On the 21st of March, while the application of the public treasure to the erection of new fortifications was all the rage, I took the responsibility of maintaining the impracticability of defending our extensive frontier by fortification; that the system had already been carried too far; that it would lead to a large standing army; that the true strength of our country was in the hearts of a brave people, and the way to insure success in war was to enable them to concentrate their power wherever danger should approach, by means of steam and roads, with the greatest possible celerity. I have the unexpected pleasure of seeing that every position which I took is sustained in the report of the Secretary of War.

The report of the Secretary has rendered the denunciations against the members of the minority for their opposition to new fortifications as powerless as time has rendered those which were levelled at them for their opposition to reprisals and the grant of the three millions.

It is thus that the opponents of these wild and dangerous schemes stand not only justified by experience and reason, but they have the honor of the sagacity of having foreseen, and the firmness to resist and defeat them in the face of power.

I will notice in this place the systematic attempt made at this session to establish two principles in regard to the appropriation of money which are subversive of the constitution, and upon the success of which depend the ascendency of the executive control above that of the legislative in the disposition of the public treasure—principles that have been contended for from the commencement of the Government by the advocates of the extension of executive power. The first of those principles was advanced by the gentleman from Pennsylvania [Mr. Sutherland] as the true doctrine "of the party." It is this: that the recommendation of any of the executive departments of the Government that a certain sum of money should be applied to a partial object, is *prima facie* evidence that the appropriation ought to be made, and that the burden of proof is thrown upon those who maintain the negative! The other principle is, that, in making appropriations, Congress should not specifically direct the purposes to which the money shall be applied, but that the grant should be indefinite, and that it should be expended at the discretion of the Executive.

The gentleman from New York, [Mr. Cambreleng,] some weeks past, when he made his speech upon the famous three million effort on the last night of the last session, went back for precedents, to justify and prove that appropriations should be general and not special, to the days of '98.

The constitution contains the following clause: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The people intended by this clause to keep the purse-strings in the hands of their immediate representatives. But this power had in effect been transferred to the Executive, by giving him grants of money to be used at his discretion. To correct this great abuse and clear violation of the constitution, Mr. Jefferson, in his very first message to Congress after his election to the presidency, expresses himself thus:

"In our case, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

This great constitutional principle of specific appropriations, brought forward by Mr. Jefferson at the commencement of his administration, has ever since been regarded as the principle, by an adherence to which economy could be maintained in the administration of the finances, and executive power restrained within the limits of the constitution.

If the principle now sought to be established should prevail, that is, that Congress was bound to vote all the money demanded by the Departments, unless the negative could be proven, and the grants thus procured, not to be limited by specific appropriation, but left in the broad field of executive discretion, then the provision of the constitution referred to is useless; it would be as well to authorize the President to draw on the Treasury for all he wanted, and to expend it as he pleased.

The good old doctrine of the Jeffersonian school is, that when the Departments call for appropriations, the burden of proof shall be upon them, and the grant was not to be made unless they convinced Congress, by reason and evidence, of the propriety of what they had recommended; and when the money was voted, the precise object to which it should be applied was defined, leaving no discretion with the President, but making it his duty to see the money was expended according to law, and not according to his will.

I will proceed to show the boundless extravagance to which general grants of money, unguarded by specific appropriations, according to the recommendation of Mr. Jefferson, will lead; and the wide range of power which they place in the hands of the Executive, by enabling him to give fat contracts to his friends. It would be impossible, in the compass of a speech, to describe all the instances of prodigal expenditure by which millions of the public money are annually squandered, by the aid of ambiguous, undefined appropriations, among political partisans; but I will select two cases as specimens, to show the country in what manner this administration disposes of the public money confided to its discretion. In the year 1832, an act passed authorizing the President of the United States to cause to be built a good and sufficient bridge across the Potomac river, between this city and Alexandria, and the sum of $200,000 was appropriated for that object. The act failed to describe the plan of the bridge, or limit its cost; it was left to the discretion of the President. The letting of the contract was advertised, according to the requirements of the law, and was taken by Gilson and Stephens, at the sum of $1,186,625. They were permitted to proceed upon the work upon a mere verbal contract; and finally failed to execute a written contract, and sold out their bargain to a Mr. O. H. Dibble, in whose favor the plan of the bridge was changed, and the price raised to $1,350,000, without any new advertisement. In the same loose manner, he was permitted to proceed upon this great work, for so large a sum, upon a mere verbal understanding. In the mean time, Mr. Baldwin, an experienced engineer, reported that the bridge, upon the plan upon which Mr. Dibble was proceeding, would cost the enormous sum of $4,791,620. This extraordinary proceeding was arrested by the vigilance of my friend from Virginia, [Mr. Mercer,] who is better informed upon the construction of all works of internal improvement than any man in America. He had this prodigal contract brought before Congress, and exposed its enormity. Congress refused to go on with the work, and paid Mr. Dibble for what he had done. Since which time a good and sufficient bridge has been completed—for what sum do you suppose, Mr. Chairman, after what you have heard? The sum of $113,000. The country is indebted mainly to the learned gentleman from Virginia for having saved between four and five millions of dollars.

The other case to which I shall refer is the custom-house now building in the city of New York. In the year 1832, the same gentleman, now at the head of the Ways and Means, reported to this House a bill, as chairman of the Committee on Commerce, which passed at that session, and contains the following section:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury shall be, and he is hereby, authorized and directed, with the approbation of the President of the United States, to purchase a site, and to cause a building to be constructed thereon, to be used as a custom-house in the port of New York, and that the sum of two hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be applied to the purposes aforesaid."

At the time this bill passed, it attracted no particular notice. It was not intimated that any further appropriation would ever be called for; no one doubting that the sum of $200,000 would be amply sufficient to buy a lot and build a custom-house. The real design was concealed from Congress. And the Secretary, in clear violation of this law, under the direction of the President, instead of buying a lot where they were cheap, as we are now informed by the father of this law he could have done, he proceeded to make the purchase on the corner of Wall, Nassau, and Pine streets, in the dearest part of the city, at the price of $217,500, and to contract for a house, as we are now informed, that would cost a million and a half! It is manifest that the law above referred to authorized no such extravagant proceeding as this. It is perfectly certain that if this profligate expenditure of public money had been disclosed to Congress, the law never would have passed. But the gentleman [Mr. Cambreleng] informs us that he disapproved of the purchase of this extravagant lot, and that one near the water would have done as well, and also that he disapproved of the extravagant design of the building. Sir, he was the projector of this law. This abuse of it took place under his own eye, in his own city, of which he now says he very much disapproved. Now, as the gentleman has ever since remained a member of Congress, it is a misfortune to the country that he did not, at the next session, inform Congress of this flagrant extravagance and abuse of the law, of which he now says he so much disapproved. But the gentleman at the next session, in 1833, so far from giving this information, slipped into the general appropriation bill the following weighty lines: "For the erection of a custom-house at New York, $300,000." Mark the phraseology. Not in addition to a former appropriation, not to finish *the* custom-house; but it is for *a* custom-house. And this year, again, the gentleman has got through the general appropriation bill with an appropriation of $300,000 more, and the yeas and nays prevented on it by the gentleman's own vote for the previous question. So that already the enormous sum of eight hundred thousand dollars has been appropriated for this house, and the basement-story is not yet done. And after all this the gentleman makes an effort to throw the whole blame on a former Secretary of the Treasury, who made a contract, as he states, for a house that would have cost a million and a half; but that the present Secretary of the Treasury, more economically given, had been to New York, and had adopted a new plan, to curtail the extravagance of this first. It seems that the duty of defending the administration is confined to the persons who happen to be in at the time. Here is a generous effort to throw the blame on an absent gentleman, who is out of office, and to eulogize the economy of the present Secretary at his expense.

[Here Mr. Cambreleng rose to explain, and said that he was surprised at the imputation of a design to assail the former Secretary; that he had several times explained, and he could only account for the observations of the gentleman from Kentucky, by supposing he was absent when he had given the explanation.]

Mr. Allan proceeded. Sir, the gentleman is mistaken in supposing that I was absent; I was present, and heard every word he uttered, and have a perfect recollection of all that he said. Sir, I have no intention of either assailing the gentleman's motives or of accusing him of assailing the motives of the former Secretary of the Treasury. With motives I have nothing to do; my business is with facts; and although I intend to make a very free and full commentary upon what the gentleman has said and done in this House, yet my duty, in this respect, shall not be exercised in a spirit of personal unkindness, because my intercourse with the gentleman has been characterized with politeness on his part. But the influential position which the gentleman's party assigned him in this House, and the control which he is thereby enabled to exercise over public measures in which my constituents have a deep interest, impose on me the duty of commenting freely and fully upon his course. The gentleman did certainly say that the former Secretary had agreed to an extravagant plan, that would have cost a million and a half, of which he disapproved, and that the present Secretary had reduced the plan to a proper scale of economy. I thought this a very strange account of the matter, that two Secretaries should come into conflict upon so important a subject; as we have been informed in a state paper that the Secretary of the Treasury was a mere incumbent of the President, neither of the Secretaries, of course, had any thing to do but to execute the orders of the President. I wrote to the present Secretary, Mr. Woodbury, on the subject; and, so far from claiming the credit of having altered the plan of the custom-house, he did not even know what the plan was, or what the cost of the building would be, and promised to write to New York and procure the information which I desired, and which he did; and the two following letters will explain the subject:

Treasury Department, *April* 28, 1836.

Sir: As promised in my letter of the 23d instant, I now have the honor to transmit herewith a copy of a report made to me, under date of the 26th instant, by the acting commissioner of the New York custom-house, containing the remainder of the information respecting the new custom-house building, asked for in your letter of the 22d of the present month.

It is deemed proper to add that the contracts referred to by the commissioner are for the following purposeses, to wit: 1st. For the supply of all the cut marble necessary for the completion of the basement story, amounting to $67,500. 2d. For the supply of all the cut marble necessary for the superstructure above the basement story, together with the shafts for the columns, $281,585.

I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. Chilton Allan,
House of Representatives, Washington.

Office Commission for building Custom-house,
New York, April 26, 1836.

Sir: Yours of the 23d instant was received yesterday, In reply to your inquiries—"1st. What is the length, breadth, and height, of the new custom-house?"

The length is 185 feet, exclusive of buttresses and steps on each front; the breadth 90 feet; and the height, from basement floor to top of the eave, 55 feet; to the top of the roof 68 feet.

"2d. What will be the number and cost of the marble columns for the support and decoration of said building?"

There are sixteen doric columns for the porticoes sixteen Corinthian columns for the great hall or rotundo twenty-two doric columns in the basement, and eighteen doric columns in the rooms of the first, second, and third floors; the prices of which it is now impossible to designate, as in the contracts entered into, (copies of which are with the Department,) the items, or parts, were not specified, but put down in gross; they can, however, be obtained from the contractors. The columns cannot be separated, or their receipt declined; the contract is for the whole together, and they are mostly worked and ready for delivery.

"3d. What will be the cost of the building?"

The superintendent's estimate in November last, forwarded to you, was, for the whole cost of the building, seven hundred and fifty thousand dollars; and he is still fully persuaded that this sum will complete the whole. It is the general opinion here, that, by the contracts already made, the Government receive the marble for $150,000 less than it could now be contracted for and furnished. The building cannot be materially altered without losing the great advantages of these contracts; the building is now progressing rapidly, and the entire appropriation of $300,000 will absolutely be necessary.

I am, very respectfully, your obedient servant,

WALTER BOWNE,
Commissioner, &c.

The Hon. Levi Woodbury,
Secretary of the Treasury, Washington.

It has turned out as I anticipated—that there could be no conflict between two Secretaries, acting under the orders of the same President. The lot for this house cost $217,500; the marble $348,585. There is no general contract; the cost is not limited. The work is progressing at the discretion of the architect; he makes out the annual estimates; it was him who sent here the demand at this session for $300,000 more. He is the only person who appears to be informed on the subject. Simply upon the act of Congress of 1832, appropriating $200,000 to buy a lot and build a custom-house, the Executive, in the exercise of his discretion, has determined to build a house in the city of New York, which shall be a splendid monument of the arts, which shall astonish and excite admiration by its extent and magnificence, to adorn and beautify the great commercial metropolis. This house is merely for the preservation of the books and the accommodation of the clerks and officers of the customs. A plain house near the water, where the lots are cheap, could have been built for the original appropriation of $200,000. But we now see a house progressing, made of such huge blocks of marble as to require thirty yoke of oxen to haul a single piece. The people can learn from these two cases of the bridge and the custom-house how their affairs are managed; how power seeks every occasion to extend its patronage, and provide profitable contracts for numerous dependants. They will see that their money is thrown out broadcast, as profusely as if it were as plenty as seawater.

In private life it is a safe maxim to count the cost before you begin to build a house; but here a house is undertaken without defining the plan or fixing the price, and the commissioners paid a premium for the amount which they spend.

I will close my remarks on this branch of the subject, by placing the Potomac bridge and the New York custom-house by the side of a sentence in the inaugural address of the President, of the 4th of March, 1829. He says:

"The management of the public revenue—that searching operation in all Governments—is among the most delicate and important trusts in ours; and it will of course demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy."

Sir, when you consider the effect of this "searching operation" upon the bridge and the custom-house, you cannot wonder that the same kind of operation has made the expenses of this administration swell more than forty-five millions of dollars more than the preceding eight years. This "searching operation" increases in energy as it progresses, and will, from the present indications, very soon reach the very bottom of the Treasury. Between twenty and thirty millions have already been appropriated at this session. In my former calculation I took the Secretary's estimates for 1836, at twenty-three millions of dollars, which were made in view of a French war. Now, I have but little doubt that the appropriations of this session will exceed the estimates of the Secretary at least ten millions; if so, the excess of expenditure of this administration over the previous eight years will be over fifty-seven millions.

It is very true this "searching operation" has demanded "no inconsiderable share of the official solicitude of this administration;" and if it has not been conducted exactly in accordance with the former understanding of a "strict and faithful economy," yet a strict and faithful regard has been had to the spoils principle. No doubt the honorable gentleman from the city of New York thinks the cost of this custom-house a small matter. When we were on the navy bill, he sneeringly said the pitiful sum of $600,000 was game too small to be worthy of the attention of the gentleman from Tennessee, [Mr Bell;] this is all very natural: our minds are formed by the circumstances around us. The gentleman has been long accustomed to see millions of the national treasure poured out in his State and city. His constituents now have the use of more than twelve millions of the public money without interest, a million to build a custom-house. Under these circumstances, it does not surprise me that the gentleman should have large ideas; and that, being so much used to millions, he should have no patience in counting mere thousands.

I do not know how it is with the gentleman from Tennessee, [Mr. Bell,] as he resides at Nashville, within the limits of the constitution, but I will undertake to say that the gentleman from the same State [Mr. Peyton] would think the sum of $600,000 was game well worthy of his attention, if he could get it to improve the Cumberland river above the upper boundary of the constitution.

The power of the House of Representatives is fast wasting away to nothing under another alarming innovation, in regard to the appropriation of money. A demand upon the Treasury for a large sum of money was heretofore deemed an affair of sufficient consequence to be brought before Congress by a message from the President of the United States, and to be referred by the House to a standing committee for investigation. Now, the irregular practice has grown up, of the heads of the Departments, instead of the President, to call upon a committee of the House, instead of the House itself, for appropriations. Under this new practice, and at this session, we have seen millions voted away upon a letter passing between the Departments and the committees. I was surprised at the gentleman from North Carolina, [Mr. Speight,] who, in the general, is so correct as to the rules of proceeding, when he asserted that this practice had existed from the commencement of the Government. I deny that any committee has a right to deliberate or report upon any subject that has not been referred to it by the House. The committees derive all their powers from the House, and the range of their deliberations is confined to such subjects as the House has referred to them. I deny their right to receive a communication from any source whatever, of original propositions, except from the House. They have a right, and it is the practice for the Departments, to prepare estimates and statements for the committees, explanatory of subjects which have been referred to them by the House. And it is this usage that has misled the gentleman from North Carolina. Whenever the design of raising armies and appropriating money originated in the executive department, such design was always, until of late years, brought before this House upon the responsibility of the President, and it is the right of every representative to vote upon its reference. But our present chairman of the Ways and Means not only receives notes from the executive departments calling for armies and millions, but whenever he determines that any of these notes are not properly directed to his committee, he takes the responsiblity, without consulting the House, to say which of the other committees they shall go to. In this informal mode of proceeding, we have seen millions appropriated in the compass of a few hours, under a single breeze of excitement.

At this dangerous innovation, the honest indignation of the gentleman from Maine [Mr. JARVIS] rose above party, and he boldly and fearlessly denounced this practice, as reducing this House to the condition of an old French Parliament, whose office it was to enregister the decrees of the King. The whole of the improvements of the country, the fortifications, breakwaters, harbors, &c., are progressing under such vague and general estimates, under such indefinite legislation, that power is left in the uncircumscribed field of discretion, to multiply and extend patronage at pleasure.

Sir, on the subject of fortifications a brief statement will show the wild, wasteful, prodigal spirit, which is now, with an unsparing hand, scattering the public treasure to the winds—a spirit that proclaims that it would be better to scourge our land with the devastations of war than to unloose the grip of federal power upon any portion of the contents of the Treasury. The average amount of the annual appropriations for fortifications, upon the settled policy of the country, since the year 1816, is within a fraction of $700,000. The estimates sent in from the proper department for the year 1835, when it was said there was danger of a French war, were the sum of $439,000. The estimates for 1836, in view of a French war, for fortifications, being for two years, the bill for 1835 not having passed, was for the sum of $1,670,000. And now, when the French war has gone by, and it has been determined to make war on the Treasury, to keep the people out of any share of the surplus, what do we behold? Three bills depending before this House: the one now under consideration for the sum of $3,772,058, and the two bills reported from the Committee on Military Affairs for new fortifications, for the sum of $2,503,800 more; making, in all, the sum of $6,225,858! The sum proposed now to be appropriated at this session is nearly half as much as has been appropriated for fortifications for the last twenty years.

The average annual amount for the naval service heretofore has been a fraction less than three and a half millions. The annual naval bill of this session, which has passed this House, is for $6,235,307. From the above indications, it is evident that federal power, intrenched in the strong ramparts of the Treasury, is determined there to make its stand, until it triumphs in the battle of the succession, or expends every dollar in the conflict.

Sir, I disagree with my colleague in the warm approbation which he has expressed for the fortification bill now before you. It is without example for its prodigal extravagance; and unnecessary, because the enormous amount cannot be expended during the year.

During the year 1834, when labor was comparatively cheap and easy to be procured, only the sum of $475,617 could be expended out of the appropriation of $870,594 for fortifications.

Of the fortification bill of this session, $700,000 is for arming the fortifications. The annual appropriation heretofore for this last object was $100,000.

There is in the army bill of this year the sum of $200,000 for the armament of the fortifications, which has already passed; and the amendment now pending, and to which my colleague has pledged his support, is for $700,000 more; making, in all, $900,000, in place of the $100,000 heretofore annually applied to this purpose. I do not see the necessity of making this appropropriation ninefold more than has ever been required heretofore, even by this administration. As all former experience has proven the impracticability of expending the sums demanded at this session upon the public works in the year, there can be no other object in the extravagant appropriations proposed, than to make such a disposition of the public money as to defeat the land bill. Sir, why are you about to depart from all former usage at this particular time? Why signalize the year 1836 with a prodigality that will swell the expenses of the Government millions beyond even the excesses of the last seven years? Is it possible that Congress will swing the doors of the Treasury wide open, and pour out the public money agreeably to the new demands of power at the approach of a presidential election? For the army, navy, and fortifications, nearly ten millions are demanded for this year more than the last.

The gentleman from New York [Mr. CAMBRELENG] gave us notice several times that he intended to speak upon the surplus revenue and expenditure. I was anxious to hear him on these subjects, for I supposed he would avail himself of the occasion to explain to the country why he had delayed so long to bring forward a bill for retrenching the expenses of the Government and the number of federal offices, agreeably to his famous report of 1828, upon the adoption of which he and his friends then thought, or professed to think, that the very salvation of the country depended. But when the gentleman came to speak, he remembered to forget his pledge of retrenchment, which is now eight years old. He must be excused; he has been so busily engaged during this session in preparing bills to increase the number of offices and the salaries in all the executive departments, that he has not had time to explain the reasons of his failure to comply with his retrenchment pledge.

He commenced his speech by showing that if the President's wise and just recommendation in 1829, to give the public domain to the new States in whose boundaries it was situated, had been complied with, we should not now have been troubled with a surplus revenue. The public domain was purchased by the blood and treasure of all the States, for the common use and benefit of all. Virginia conveyed her vast possessions to the United States for the benefit of all the States, herself included; and yet the gentleman contends it would be just towards Virginia and the other States for Congress to take the common property from all the States, and divide it among a few of them. This agrarian scheme, prostrating as it does every idea of justice and policy, the gentleman knows full well will never be adopted. But the delusion has answered the purpose for some time, and may a little while longer, of raising expectations in the new States which they will never realize, and of casting their political influence in the scale that holds out the promise. The idea of robbing one State of its property, to bestow it on another, had its origin in political designs, and will end in political designs; for such a scheme can never succeed unless the people become deranged. It will turn out like the promise of retrenchment and reform. The plain English of both promises was artifices to get votes and political influence.

The gentleman next proceeded to denounce the legislation of 1816, which has paid off the national debt, and filled the Treasury to overflowing, and stoutly maintained that if the public money was divided, it would corrupt the States! The honorable gentleman seems to have all sorts of horrors at the idea of the corruption which the use of their own money would spread among the people; but the gentleman has no fears that the public money will corrupt the officers of the Executive Government, who now have it in their hands against law, and are using it in violation of law. There is no danger of its corrupting the pet banks, and brokers and stockjobbers of New York, who now have more than twelve millions of the people's money without interest. There is no danger that they will either use this money in political bribery, or for the unholy purpose of grinding the poor and needy. There is no danger of millions of this money being loaned to political favorites to speculate in Indian reservations. There is no danger that forty millions of public money thus used will transfer the property of the country into a few hands, and build up a lordly aristocracy among us. There is no danger that the present operations of the federal Treasury will make a single city the mistress of the commercial operations of the whole country, and subject every portion of the Union to enormous exactions in the forms of discounts and exchanges. There is no danger that the labor of the people will have to pay tribute in the brokers' shops in this ingulfing commercial emporium. No, sir; the honorable gentleman apprehends no danger from any use of the public money except its division among the people, to whom it belongs, and there he thinks it would spread universal corruption.

To save the democracy from corruption, the gentleman, with the most disinterested views in the world, holds on to the surplus revenue with the grip of death; he will keep it snugly in New York. And here, sir, I will notice one instance of the use of a portion of the public money in that city. The Manhattan Bank, which was smuggled into existence by fraud, has a perpetual charter; of the stock an English nobleman owns over six hundred thousand dollars. This bank held on the 1st of February $3,067,000 of the people's money on deposite, which, at legal interest, produces $214,690 annually; of which the Marquis of Carmaerthen receives $70,000 for his share of the spoils. And this is done for the very laudable purpose of keeping the money from corrupting the people. A few years ago we were informed by the gentleman and his friends that it was very improper to let foreigners hold stock in the United States Bank, although they paid the Government a large bonus for the privilege. Now we are informed by the same gentleman that it is very proper that foreigners should hold stock in this pet bank, without paying any bonus, and have the use of the money of the people of this country gratis in the bargain.

After the honorable gentleman had shown and condemned the means by which the surplus in the Treasury had been produced, and shown how its division would corrupt the States, he straightway denied that we would have any surplus whatever to divide. He fell to work on the Treasury, and soon had it bankrupt. The forty millions disappeared under the operation as fast as the number of Falstaff's assailants in Kendal green.

I will give a specimen or two how the gentleman got clear of the surplus. In the first place, he stood up here, in presence of the assembled representatives of the people, and contended, with a grave face, that the seven millions of stock which the Government owns in the United States Bank was not safe; and that, in reckoning our means, we ought not to count that fund! So the honorable gentleman strikes seven millions out of the account. He next strikes out five millions, to pay for the Florida war with a few hundred Indians. This is more than twice as much as was expended in all the Indian wars of the West, from 1774 to 1795. And then the gentleman took out ten millions to pay for a war that is to occur hereafter, but did not tell us where. But after getting clear of $22,000,000, there was still a large surplus on his hands which he did not know what to do with, when his friend and colleague [Mr. Gillet] flew to his assistance, with a scheme to spend $22,000,000 more, to buy muskets for the militia.

[Mr. Gillet rose and said that he did not propose to take that sum; that he had said it would require that amount to arm the whole militia, but that his proposition only extended to a part.]

Sir, I am glad to hear the gentleman does not want the whole sum now. These instances will show how the Treasury was to be emptied. From the gentleman's assertion, that there will be no surplus in the Treasury, I will appeal to official documents. In my statement on the 21st of March last, as to the amount of the public funds, I referred to the returns from the Treasury which had then come in, and I did not include the bank stock. By subsequent reports from the Secretary, it appears that there are now in the Treasury $38,000,000; the Government stock in the Bank of the United States is worth $8,000,000; estimated receipts to the 1st of January next, $24,000,000—making, in the aggregate, $70,000,000. Admit that the extravagant spirit that now bears rule should at this session swell the appropriation to the unexampled sum of $35,000,000, still there will be in the Treasury, on the 1st of January next, $45,000,000, allowing that there will be in the Treasury at that time $10,000,000 of unexpended balances. Now, I should like the gentleman to descend from the airy region of imagination, and show any error in this calcuation.

In prosecuting hostilities against the Treasury, the gentleman makes a most vigilant war minister. Whenever he wants a large sum of money, he forthwith waxes exceedingly valiant, and becomes warlike; but, to do him justice, during almost the whole of last session he was as civil and peaceable a gentleman as any one could wish to live by; and only a few days before the close of the session, as chairman of the Committeee on Foreign Affairs he made the most sensible speech I ever heard him make, and as sensible a one as I ever heard any one make. It was short and to the point; both very rare merits in this hall.

The venerable and learned gentleman from Massachusetts [Mr. Adams] called upon him to know why he had not made a report upon our relations with France. I remember the identical words of the reply, for they struck me at the time. The gentleman rose and said, "as we intend to do nothing, we think it prudent to say nothing." I admired the excellence of this speech, because it is not uncommon in the world to hear men play the braggart, and gasconade, and talk big, just in proportion as they intend to do nothing. But notwithstanding this prudent pacific speech, on the very next night the gentleman fell so violently into one of his belligerant ways, that it broke out in a peremptory demand for three millions of money: and he became so moody because he could not get the whole sum, that he would not have a part, and exhorted his friends not to answer to their names when they were called, to prevent a quorum from voting, to enable him to withhold from the House the report of the committee of conference. I was present to the last hour of that long-to-be-remembered night session, and confess that I was astonished to hear the gentleman call upon his friends not to vote after midnight, knowing that the gentleman had never on any former occasion refused to vote himself after midnight; and knowing, as I do, that it is his opinion that the Congress does not necessarily end on the 3d of March at midnight. I will not dwell upon what occurred at the last session, but return to this. During the last winter, when that gentleman desired to make heavy pulls on the Treasury, he would take into his head that Admiral Mackau was hovering on the coast, and sometimes seemed to think that his guns were within point-blank shot of the Capitol.

Since the nautical evolutions of the Gallic admiral have ceased to float in the visions of the gentleman's fervid imagination, his pugnacious apprehensions have worked around to an opposite direction, and one ominous sweep of his finger from Lake Superior to the Gulf of Mexico portended unnumbered direful wars, in some one of which it would be necessary to spend ten millions of dollars. In this brief manner the honorable gentleman disencumbered the land bill of nearly one half of its contents. The gentleman tells us boldly that a war would do the country less injury than the division of the surplus treasure among the States.

Sir, that it was the deliberate intention at first to make the whole Union tributary to New York, becomes every day more and more evident. As early as the 18th of October, 1833, the agent of the Government appointed to select the deposite banks wrote to a person in New York that, under the new system, "it (the branch of the United States Bank) will have to become the collector of specie from every quarter of the Union, for the ultimate use of your bank and others who may want it in New York." Yes, sir, here is a project to drain every part of the Union of specie, for the benefit of New York. We now see, in completion of this scheme, twelve millions of the people's money deposited in one city, and the whole Western country constantly drained to keep the public funds concentrated at this point; and we hear the member from that city proclaiming that it would be better to involve the country in war than to have this New York monopoly broken up; the monopoly by which the specie from all parts of the Union, as well as the public revenue, is conveyed to this favored place.

The great contest of the present day is, whether the public domain shall be divided among the States, to strengthen the defences of liberty, or retained in the hands of federal power, to be divided out as spoils in the form of jobs, contracts, and salaries, to secure political influence. The proceeds of the sales of the thousand millions of acres of the public land, devoted to the augmentation of federal patronage, will insure the ultimate triumph of executive and aristocratic power over the liberty of the country. Hence power holds on to the public money and the public lands. Hence the declaration that war would be preferable to a division of the public money among the States. Hence the presumptuous declaration of the office-holders, while they are rioting upon the public money which they hold in violation of law, that if they were forced to give it up, it would corrupt the people. Hence the succession of varying schemes which have passed before us since the first Monday of December, with a view to engage public attention, so that the session might be wasted in the consideration of a number of repugnant plans; that nothing should be done, and Congress adjourn and leave the public money in a position to do the political work of "the party."

Three projects were proposed by three eminent politicians, all high in the confidence of power, members of the other branch of the Legislature. One proposed to lay out the surplus public money in the purchase of stocks; another reported a scheme of distributing the public funds among railroad companies, for the purpose of having the mail carried; while another proposed to get rid of the surplus by building forts. Now, the gentleman from New York [Mr. Cambreleng] and his party, in the face of their own admissions during the whole session, in the face of their own projects of disposing of the surplus revenue, turn round and deny that there will be any surplus to divide! Emboldened by success, the party now confidently imagine that they can pass off the most palpable inconsistencies upon public credulity, under cover of the President's popularity. It may be slow, but a day of accountability will come.

But, sir, there is one view stronger than all others, to show the inconsistency of those who are engaged in the project of keeping the people out of the use of their money. On the one hand, we are told that the whole ought to be appropriated for the use of the General Government; and, on the other hand, we are told, if it be appropriated for the use of the States it will break all the banks. Yes, sir, according to these gentlemen, if you grant all your money for federal purposes, the pet banks can pay you with ease; but if you make the grant for the use of the States, they will all blow up!

Sir, I will here take leave of the gentleman from New York, and pay my respects to my honorable colleague, [Mr. French,] who has thought proper to honor me by making almost the whole of his very elaborate speech in answer to one of mine delivered more than two months ago. I will not complain of his going out of his way, and against the rules of the House, on one subject, to answer an argument made on another. But I do not see the necessity the gentleman was under to answer my speech, inasmuch as, after two months' deliberation, he has not ventured to deny a material fact, or to controvert a principle maintained by me. That the gentleman should have selected me, out of all the members of the House, to make his speech at, is a little remarkable, considering the long and uninterrupted friendship which he has informed the House has subsisted between us; and considering, also, that the gentleman stands pledged to his constituents to support the same measures that I do to mine. Our districts adjoin, and we represent people not only having precisely the same interests, but agreeing perfectly in the measures which should sustain their interests. I do not know that my colleague and myself differ on any question of national policy. We agree that a national bank is constitutional, and conducive to the preservation of a sound currency. We agree in the constitutionality and expediency of works of internal improvement. We both believe that roads could be made in Kentucky, of a national character, as well as in the other States. We both believe the constitution is in force above as well as below custom-houses. He believes, as I do, that the proceeds of the public lands ought to be divided among the States. We both agree that the condition of the public money ought to be examined into by Congress before the adjournment. Thus situated, being old friends, substantially representing the same people, and agreeing as to all the great measures depending before Congress, I had cherished the hope that the gentleman would have stood side by side with me, and shoulder to shoulder, in pressing these great measures, in which our constituents have so deep an interest, through the House.

That the gentleman should have assumed an attitude of opposition to me, (in a kind manner, it is true,) is among the strange events of these strange times; not because we differ in principle, not because I have made any argument against the interest of the country, but because, as he says, I have opposed "his party," and he, being one of "the party," is, in self-defence, bound to answer me. His defence is not of the constitution, not of the great principles of public policy called for by our constituents, for here we walk together and are agreed. No; the gentleman entered the lists as the champion of his "party." My friend is an apt scholar, and has very soon learned the fashion at the metropolis. He quickly ascertained that, no matter what measures he advocated, no odds what principles he professed, he would be taken into full communion and fellowship, provided he would defend the party and vote for the successor. He informed the House that he intended to leave his posterity in Kentucky, and that he loved Kentucky better than any place in the world. No doubt this is true; yet I could wish the gentleman had a different way of showing his love. He stands here, from day to day, and sees "the party" contriving schemes of extravagance to squander the public money, with a view to deprive the people of the use of any portion of it; yet he is as meek and as gentle as a lamb; his Kentucky blood is not in the slightest degree agitated at those attempts to crush the rights of his constituents.

The other day, in this present debate, he heard the gentleman from New York [Mr. Cambreleng] contending that, if the money was divided, it would corrupt the people. This daring affront upon the sovereign people did not fire my friend with indignation, and bring him to his feet to vindicate his constituents from the aspersion. No; that was no attack upon the party. The honorable gentleman had to reserve his strength, to lay it out against a Kentuckian who was fighting by his side for the measures which he professed to advocate. After a full examination of all the documents, my friend informed the committee that we had a large surplus in the Treasury—enough to divide over twenty millions among the States; yet he listened with perfect composure to the gentleman from New York when he was boldly asserting, in the face of figures and facts, that there was no surplus in the Treasury. Yet the gentleman did not feel it to be his duty to protest against a statement which he knew to be unfounded, and which was made with a view to defeat the just claims of his constituents in their share of the surplus money. The gentleman could look quietly on and see the great measure which he was sent here to sustain sinking under this statement. Yet the gentleman's love for Kentucky could not induce him to utter a word of remonstrance; all was reserved for me; not because I was against his measures, but against his men. Verily the the gentleman does not love Rome less, but he loves Cæsar more.

But after all the gentleman's devotion to his party, after his gallant defence of his party, what return has his party made to him? He moved, on three several days, to take up and consider the bill which I had the honor to introduce for the benefit of the old soldiers who fought the battles of the Western country. Where was the gentleman's party on these occasions? They voted him down, and would not let him have even one hour to consider the bill. Yet my friend went between the tellers, with the gentleman from New York, for the previous question on the general appropriation bill, and thereby prevented a motion to strike out $300,000 for the New York custom-house. While my friend is aiding in the completion of a custom-house in the city of New York, which will cost at least a million of dollars, his party from New York vote to leave the conquerors of the West, in their age and poverty, without a dollar of compensation for all their suffering and all their toils. Again, my friend was elected especially to get from his party an appropriation to make a road from the mouth of Big Sandy to Mount Sterling. Where is the gentleman's party on this subject? They are taking millions for improvements in other States, but they will not grant my friend one dollar for his road. He may hope for it, but I will tell him now that they do not intend to give him one cent. So that my friend is engaged in a most hopeless undertaking. He stands by his party, but they will not stand by him.

If the gentleman had reserved some of his eloquence to vindicate the rights of his constituents, and to bring his party to a sense of justice, he would have stood a much better chance for success. My friend occupies the strange ground here of supporting men who oppose every measure which the people of Kentucky think connected with their deepest interests. I do not know what consolation the gentleman can take in this, unless he, too, thinks it "a sufficient glory to serve under such a chief."

I will now proceed, in the same kind and friendly spirit manifested to me by the gentleman, to a nearer view of his speech. He again brings forward the letter of General Jackson to President Monroe; in which General Jackson advises Mr. Monroe, "in the selection of the public officers, to avoid party and party feeling." Advises him to "crush the monster called party spirit." Tells him that "the Chief Magistrate of a great and powerful nation should never indulge in party feelings; that his should be liberal and disinterested, bearing in mind that he acts for the whole, and not for a part, of the community." This celebrated letter was written in 1816, and was republished in all the papers of the party throughout America, while General Jackson was electioneering for the office of Chief Magistrate, as containing the principles and pledges upon which he would administer the Government if elected. Now, that every principle and pledge in this letter have been violated; that all appointments have been made with a view to party; that every man in the nation has been proscribed who did not belong to the party; that the monster called party spirit, so far from being crushed, has scattered throughout the land firebrands of discord, and caused party passions to blaze with increased fierceness, are truths which no one questions.

My colleague, perhaps, did not observe that all the members of his party, in their speeches, prudently went round the Monroe letter; that upon this subject they were as silent as the tomb. Perhaps he did not know that for the last five years not one was found in this House who ventured to deny that every principle and pledge in the Monroe letter had been disregarded in practice. If my colleague had observed these things, he would not have taken a post which had been abandoned by every one; he would not have undertaken the defence of his party upon a point where he cannot find a single man that will stand by his side.

But as the gentleman entered the lists, not to sustain the rights of his constituents, but to defend his party, he had a chance of showing his zeal, if not his discretion, in taking up the Monroe letter; and if he has not been able to reconcile the professions and practices of the party, it has afforded him a notable occasion to show the strength of his devotion. But let us see what the gentleman has made of the letter. The point in issue was between the profession that, in the selection of public officers, party and party feeling should be avoided, and the practice which selected none but partisans. In the very first move my friend bears off from this issue, and turns to other parts of the letter, upon quite different subjects, and discourses about Western lands and Indians, the public debt, &c. &c.; but when the gentleman got back from his irrelevant digression, as he could not prove the consistency between the President's profession and practice, he boldly abandons the profession and justifies the practice.

In his advice to Mr. Monroe, General Jackson said: "Every thing depends on the selection of your ministry. In every selection party and party feeling should be avoided." My colleague said: "All statesmen of all parties concede the right to the President to select from the ranks of his political friends the heads of Departments. How can two walk together except they be agreed?" The gentleman's tone has altered. In 1828, when he was electioneering for the office of elector, he eulogized General Jackson for the elevated and liberal principle, that in the selection of the heads of Departments party should be avoided. Now, he says, all statesmen agree that Departments should be filled with partisans. That the gentleman should move in opposition to his own professions in 1828, in the face of the principles of the President, contained in the letter which he held in his hand, should say that all statesmen of all parties agree that cabinet ministers should be partisans, is but the beginning of the difficulty in which he has involved himself by undertaking to make a whole-hog defence of the administration.

My colleague then proceeded, in direct opposition to what he had advanced in the sentence before, to say: "It is true, sir, that all the citizens of the United States are equally eligible to office, and entitled to equal benefits from the Government;" and went on to prove that equal justice had been done to all parties in the distribution of offices. He said that he had inquired of the most intelligent citizens of this city, and had been informed by them that the opposition have their due proportion of offices throughout the Union. I should have been pleased if my friend had given the names of his witnesses. I should like to know if they were not office-holders, in the receipt of the spoils. I very much regret that a statesman from Kentucky should have been reduced to the necessity of making such an inquiry in this city, and of founding a grave argument upon the testimony of witnesses whose names he has thought proper to keep to himself. Does not every body know, as well as the gentleman's nameless witnesses under the eaves of the palace, what is the truth on the subject? What is the question? It is this: In the appointment of public officers, "have characters been selected most conspicuous for their probity, virtue, capacity, and firmness, without regard to party," agreeably to the solemn pledge which had been given, and upon the faith of which the present Chief Magistrate was elected? Now, my friend knows perfectly well, what every one knows, that no individual has been selected to fill office but a devoted partisan; yet he goes into the purlieus of the palace to inquire for information. If the gentleman did not know, he ought to have consulted the public records; there he would have found who had been appointed home and foreign ministers, judges of courts, and to all the offices in the nation. But, when the gentleman leaves his Washington city testimony, and relies on his own knowledge, and takes a range throughout the land to find instances to prove that, in the selection of public officers, no regard has been had to party, he has found two signal cases in the Western country, both of which occurred in the county in which I live. He says that Colonel Coleby, H. Taylor, and James Pace, opposition men, were appointed postmasters by this disinterested and liberal administration. The gentleman has been very unfortunate in his allusion to the Post Office patronage in Clark county, as will appear in the sequel. I would not myself have voluntarily made any allusion to the subject; but as it has been introduced for the purpose of proving that, in the appointment of public officers, this administration has had "no regard to party or party spirit," the whole truth must come out. The post office at Colonel Taylor's is in the county where no Jackson man lives. The office yields no profit of consequence. Colonel Taylor did not take the office with any view of making money; he is a very obliging gentleman, and agreed to take the office merely with a view to accommodate his neighbors. The office at Pace's was in all respects similarly situated. These being the only cases in the whole Western country that the researches of my friend could find where opposition men had received appointments from this administration, could any thing prove more clearly how hard he was pressed, than to be compelled to refer to two such instances to prove impartiality? But even here the gentleman is mistaken. As he thought proper to bring up these two offices in a grave argument in Congress to prove that, in the appointment of officers, this administration had no respect to party, I addressed a a note of inquiry to Mr. Kendall, and here is his answer: He says Colonel Taylor was appointed postmaster on the —— day of ——, 1826, three years before the commencement of General Jackson's first term.

[Here Mr. French rose to explain, and said that he had been led into the error by information which he had received in Clark county, where he was well acquainted; that he had not intentionally made the misstatement; but, upon inquiry of Mr. Kendall, he had found that Mr. Thomas Edminson had also been appointed to a post office, who was an opposition man; so that, although he was mistaken as to Colonel Taylor, yet he was right as to the number.]

Mr. Allan proceeded. Sir, I am very sure that the statement in regard to Colonel Taylor's appointment was made under a mistake; and I take this occasion, with great pleasure, to bear witness that my colleague is incapable of making an intentional misstatement on this or any other subject. Yet it appears to me, in fairness, the gentleman ought to have stated that Mr. Edminson and Mr. Pace lived in the same house, at different times, and had been appointed for the same office, and that there was no Jackson man at the place to appoint. I am informed by Mr. Kendall that this office was discontinued last fall, because no one would have it. The whole income of the office, for the year 1835, was $17. So that the only case that the diligent researches of my friend could find to prove that this administration had reduced to practice, in good faith, the advice which General Jackson gave to President Monroe, is the bestowal of a country post office, where no one lived but the postmaster, that was worth five dollars and sixty-one cents per annum! being 33 per cent. on $17. As to Colonel Taylor, the liberality was not in the appointment, but in the forbearance to turn him out; and this forbearance is owing to the fact that there is no one of the "party" at Colebyville to take the place of the present incumbent.

Now that the office at Pace's has been abandoned, my colleague must turn his admiration to the signal forbearance practised towards Colonel Taylor as the remaining monument left to illustrate the liberality of this administration, and to prove that "the Chief Magistrate of a great and powerful nation acts for the whole, and not for a part of the community."

The only post office in Clark county that was profitable when "the party" came into power was held by Mr. J. B. Duncan, a gentleman of the very first respectability, and perfectly well qualified; whose unoffending and amiable manners enabled him to discharge the duties of the office to the entire satisfaction of all parties. Mr. Duncan, during the late war, shouldered his rifle, and fought in the battles of his country. My colleague has known Mr. Duncan intimately for more than twenty years, and will not deny the statement I have made concerning him. He will go farther; he will agree that there is not a more worthy man in the county of Clark, nor one better qualified for the office, than Mr. Duncan. He will agree that there is not an officer in the United States who gave more universal satisfaction in the discharge of the duties of his office than did Mr. Duncan. But Mr. Duncan had committed the unpardonable sin of having voted against the President, and for this sin he was punished by removal from office, and a worthy young man placed in the office, as a reward for the partisan services of influential relatives.

Now, that the committee have the whole of the facts on the subject, they can judge how far the post office patronage in the county of Clark was used, regardless of party and party spirit.

All others, except my colleague, had prudently passed in silence the letter of the President to the Tennessee Legislature, but he has thought proper to reproduce that letter; where General Jackson states, in substance, that, if important appointments continue to devolve on members of Congress, corruption will become the order of the day. Since which time, as President, he has appointed such a large number of members of both Houses to the highest offices, as to draw between five and six hundred thousand dollars from the Treasury for their salaries. This inconsistency between profession and practice, being so glaring as to deter all other debaters from attempting to reconcile them, did not in the least stay the zeal of my colleague in his determination to defend the administration at all points. And to get out of the difficulty, he said:

"Suppose, Mr. Chairman, General Jackson, in that letter, had suggested to the Legislature of Tennessee an amendment to the constitution, by which the President of the United States should be deprived of having any voice in the passage of laws by Congress, by which the power that now makes it his duty to approve and sign bills passed by Congress before they have the force of laws should be taken away forever. Suppose, also, the General, after having given this opinion, had been elected President of the United States, and that he had refused to approve and sign bills passed by Congress, upon the ground that he had given to the Legislature of Tennessee the opinion that the President ought not to have such power. Sir, in the case supposed, the President would have been impeached and removed from office, if he had refused to approve and sign bills upon the ground stated, when, by the constitution, it was his sworn duty to do so; he would have deserved impeachment and removal from office. What, then, I ask, is the difference in principle between the case supposed and the case in the letter? The amendment suggested in the letter has never been made to the constitution."

Thus spoke my colleague; and if he really can see any similitude between the case supposed and the profession in the letter, I will not stop to reason with him, as it is not probable that another person can be found who will be able to discover the most remote resemblance.

The gentleman went on to say:

"By the constitution, members of Congress are eligible to executive appointments. The President is sworn 'to preserve, protect, and defend the constitution,' as it is, not as he would have it to be. If, then, the President had introduced in practice what would have been a virtual amendment to the constitution itself, he would have been guilty of the high crime of usurpation."

It is true the President cannot appoint any one who is ineligible; but I never heard before that eligibility created any obligation on the President to appoint members of Congress to office, and that his failure to do so would amount to the high crime of usurpation, for which he ought to be impeached and removed from office. But as my friend is in the secrets of the cabinet, and if this constitutional interpretation is entertained there, and the President drew so largely on both Houses of Congress and the Treasury under the terrors of impeachment, it will certainly justify him in the eyes of my colleague, and all others who understand the constitution as he understands it.

The gentleman contends that the President could not, with propriety, refuse to appoint members of Congress to office until the constitution was changed so as to render them ineligible! The President was of opinion that the practice of appointing members of Congress to high offices would destroy the purity and independence of the Legislature, and make corruption the order of the day. Now my friend contends that the President was bound to continue a practice attended with those consequences until he was prevented by a change of the constitution!

If every thing may with propriety be done to make corruption the order of the day that is not prohibited by the constitution, the administration has a broad field to move in. It is probably the first time under the sun that the introduction of corruption into the administration of the Government was justified on the ground that it was not prohibited by the constitution. The gentleman says the President was sworn to support the constitution; and as members of Congress were eligible to office under that instrument, it would have been a dangerous assumption of power on the part of the President to have excluded them. If every body is to have office who is eligible, we shall have a goodly number of them. But I suppose the gentleman confines his notion of eligibility to "his party." It was not at all unconstitutional to proscribe and render ineligible every man in and out of Congress in the United States who had not given in his adhesion at the footstool of power; but it would have been very unconstitutional for the President to have refused to appoint partisan members of Congress to office. If this be enforcing the constitution, the President has fully administered, he has marched platoons out of both Houses of Congress, as was once observed by the gentleman from Ohio, [Mr. Corwin.] There is something, no doubt, very pleasant in this idea of administering the constitution to a member of Congress of the right faith who stands on the roll of promotion, for this kind of luck goes round so fast that it will not take it long to reach every one. And when it comes to the turn of my colleague, I have no doubt that he will think it more constitutional than ever.

The gentleman eulogizes the administration for the vast sums of money which it has expended in works of internal improvement since the year 1829. Sir, how will the people of Kentucky feel when they know that a member from that State rose upon this floor, and vaunted the praises of this administration for the profuse outpour of millions for works of internal improvement, of all sorts, in all parts of the Union except Kentucky—when they recollect that they were told, in the midst of this profusion, that the pitiful sum of $150,000 could not be spared for a Kentucky road until the national debt was paid?

It is amusing to hear a controversy in this House between two of "the party" upon the much-agitated question, "what are the principles of this administration?" From parts of the Union where internal improvements are unpopular, we hear gentlemen praising the administration for having subverted the whole system; while equal praise is bestowed from sections of the Union where such works are in favor, upon the orthodox opinions and lavish expenditures of the present administration in the advancement of the great cause of public improvements. I do not know which swelled the note of admiration to the highest key, the gentleman from Virginia, [Mr. Garland,] because the President had overthrown, or my colleague, because he had upheld, internal improvements.

[Mr. Garland rose to explain, and said he did not intend to convey the idea that the President had entirely crushed internal improvements. He wished to be understood as saying the President had done much to overthrow such works, but that he had not gone the full length of the Virginia doctrine.]

Mr. Allan proceeded. Sir, the explanation does not affect the sense of what I was saying. The gentleman from Virginia exults that so much has been done to destroy, while the gentleman from Kentucky exults that so much has been done to build up, the system.

My colleague says that the vast sums which this administration has expended "on works of internal improvement are not local, but national, in their character." In the true spirit of non-committal, in which school, by the way, he is not a very young scholar, my colleague said he would not undertake to say whether the Maysville road and the Louisville canal were local or national improvements. Now, I regret to hear my friend say that the new roads in Ohio, Indiana, Illinois, Missouri, Maine, &c., on which hundreds of thousands have been expended, were national, while he stands in a state of non-committal as to the nationality of a Kentucky road. I regret to hear the gentleman vindicating the national character of improvements which this administration has made at the mouths of creeks which he can with difficulty find on the maps, while he will not say whether the Louisville canal, along which half the commerce of the whole Union passes, is local or national. I can very well remember a time when the gentleman and his political friends in Kentucky thought the Maysville road a national improvement. When the news arrived in that State of the passage of the Maysville road bill through both Houses of Congress, the gentleman and his friends were filled with joy, and they exultingly proclaimed from the housetops that the new administration had already done more for Kentucky than ever had been done. And just in the flood-tide of their rejoicings came another mail, and brought the veto, which did not at all abate their joy; they faced about, and said the veto was certainly the greatest act that ever was performed in the tide of time, always excepting the battle of New Orleans.

On the subject of the extravagant expenditures of this administration the gentleman has had before him the tables in my speech for two months, and I am happy to find that he has not denied the accuracy of a single figure in them. I proved that the expenditure from the 4th of March, 1829, to the 4th of March, 1837, will exceed the expenditure for the preceding eight years by the sum of $45,116,634 47. Not being able to find any inaccuracy in my tables, he seeks to evade their force by making calculations for different periods of time. But, after all his calculations, he does not deny the increase of expenditure during this administration of over forty-five millions of dollars; which he has undertaken to excuse and defend, and to prove that an increase was unavoidable, from the growth of the country.

The gentleman has entirely changed over since the year 1828, when he was electioneering for the office of elector; he told the people that the expenses of the Federal Government were too high, and ought to be brought down to the scale of Jeffersonian economy. Now, in 1836, when the gentleman's party is in the receipt of the spoils, he tells the people that, so far from reducing, it is necessary that the increasing expenditure should keep pace with the growth of the country. It now appears that what he told them in 1828 was a mistake. When I was listening to the gentleman's discourses in 1828 upon economy and reform, I little thought of ever standing by his side in this hall, and seeing him the advocate of increasing the expenses of this Government in proportion to the increase of the population and resources of the nation. Did not the gentleman know in 1828 that the numbers and wealth of the nation would increase? Why did he not then tell the people that it would be necessary for General Jackson's administration to increase the public expenses in proportion to the growth of the nation? The case being altered, alters the case. "The party" was then seeking power, and to talk of reform and retrenchment was the way to get it. Now that they have power, the way to get spoils is to increase expenditure.

The gentleman, with great apparent satisfaction, produced the number of Indian treaties and the quantity of land purchased from them, as evidences of the diplomatic skill of this administration. There is nothing new in this: the business of buying land from the Indians has been carried on for a long time. But I agree that this administration has introduced several new practices, which I regret my friend did not tell of while he was on the subject; but as he has failed to do so, I will endeavor to supply what he has omitted. The treaties with the Indians for their lands were formerly made for the benefit of the country: now, much of the benefit is reserved as a means of patronage to reward partisans for political services. In almost all of the treaties with the Indians for cessions of their lands, large reservations are made to particular chiefs and headmen of the best parts of the territories ceded, in fee simple, with power to such chiefs and headmen to sell the same to such persons as the President or his agents shall agree may buy. No one can purchase against the consent of the President. So that the accusation of cheating the Indians out of these reservations is exclusive.

We have seen large portions of the public lands brought into conflict with the public liberty, by being, under the forms of treaties, drawn into the vortex of governmental patronage. We have also seen eleven millions of acres, the common property of all the States, distributed by partial legislation to six of them; while the pioneers of Kentucky, the founders of the great Western empire, who bore the winter's cold and the summer's heat, and stood firm for a score of years in the front of a hundred battles, are most unjustly deprived of any share in the public domain, which is the fruit of their victories.

The gentleman eulogized the administration, especially, for the new system of removing the Indians. This novelty being a total departure from the benevolent policy of Washington, and all of his successors, has to be tested by time and experience, before we can judge correctly of its wisdom. This administration has undertaken to move the numerous tribes to the same territory. There have already been removed 31,348 Indians, and 72,181 are yet to be removed, making in all 103,529. What will be the result of placing so many tribes near together, with their fierce passions roused to the highest point of resentment, from having been forced to leave the land and graves of their fathers, where, by their union and their wrongs, they can learn their strength, time will show.

In addition to the removed Indians, there are of the indigenous tribes, within striking distance of the frontier, 150,341; so that, altogether, there will be a body of 253,870. We are bound to take part in all the wars that may occur among these numerous hostile bands, or which may occur between any of them and Mexico; for we have agreed by treaty to protect and defend the removed Indians, and to prevent all the Indians within our borders from making war over the Mexican line. The fruit of this Indian-driving policy, so far, does not argue much good for the future. It has already cost us several millions of money, and produced three wars. The Black Hawk war cost $1,237,473; it is estimated that the Florida war will cost $5,000,000; and what the Creek war will cost, we cannot tell. We have this session appropriated $1,000,000 to enable General Gaines to keep peace on the frontier. We have been compelled to add two regiments of mounted dragoons to the regular army, and to pass a bill authorizing the President to raise a provisional army of 10,000 volunteers, and the commanding general has written for an increase of the regular army to 20,000 men. The new relations of the numerous tribes will, it is anticipated, produce a general Indian war. These are some of the fruits which have already ripened, by driving the Indians to despair. In fifty years, if this system does not cost a hundred millions of dollars and fifty thousand lives, we shall get off better than many anticipate. I hope for the best, and shall rejoice if all the good comes of it that its friends anticipate.

The gentleman brought forward, also, a great many foreign treaties, and the amount of indemnity secured thereby, with as much exultation as if the art of treaty-making was a very late discovery. If the honorable member had extended his diplomatic researches a little further back, and looked into the treaties with Spain, England, Denmark, and many others, he would have found a greater amount of indemnity secured to our citizens than that of which he boasts.

To prove that we are passing rapidly from a paper money currency to one of the precious metals, the gentleman has produced the amount of coinage at the mint during the different years it has been in operation. Now, sir, I wonder if my friend does, in sober seriousness, intend to convey the idea to the people that the coinage at the mint increases the amount of gold in the country, or adds a cent to the national wealth? Does he intend to give the administration credit for working the mines? This would be even worse than the credit claimed for the payment of the national debt. The amount of gold and the payment of the public debt depended on the same cause—the industry of the people. In place of introducing a metallic currency, this Government surrendered its constitutional control over the subject into the hands of the States; and the national circulating medium being thereby destroyed, the necessity was imposed on the States of supplying its place in the best manner they could. And now, when banks are springing up as fast as mushrooms, when paper money is overspreading the land beyond any former example, my colleague gets up here, in defence of "his party," and holds up the tables of coinage, to show his constituents that a golden era is about to commence, and that paper money is near its end!

Sir, after the gentleman has informed himself of the present condition of the public money and the currency, I am astonished that he, in the character of a public sentinel, announces to the people that all is well. Does he not know that the fact has been announced by a distinguished leader in his party, in public debate, that if the land bill were to pass, and the deposite banks were called on to pay the public money, it would not only break the whole of them, but cause an explosion in the whole paper system of the United States?

The gentleman has admitted that the public money is under the control of no law; he cannot be ignorant that it is loaned out, without interest, to persons of whom he has no knowledge. He knows that the notes of the deposite banks will not circulate a day's journey from their vaults. He knows that there is a general depreciation; that there are brokers' shops in every town and village; that a traveller across the Union has to submit to have his money shaved every day's ride. He knows that the broker will levy a heavy tax on the labor of the country while this miserable condition of the currency lasts. At this very time the notes of the New York banks are shaved in this city, and the notes issued here undergo the same operation there. In many places the people are compelled to pay five and six per cent. to procure notes on the United States Bank.

In this condition of things, when the laboring man is continually subject to be robbed of his labor, when the public money is placed in banks where it is admitted they will break if they are called on to pay, I repeat that I am astonished that the gentleman's zeal in defence of his party should prevent him from apprizing his constituents of the impending danger.

The combined influence of our free institutions, the industry and enterprise of the people, the introduction of laboring machinery, the establishment of manufactories, modern roads, and steam power, and the high price of our products in Europe, have enabled this young gigantic nation to make such advances to wealth, and power, and prosperity, as to astonish the world. The great result of the combination of all these causes the gentleman, in the prevailing spirit of man-worship, ascribes to "the Government," and produces the tables of exports and imports, to show the wonders which he has done for the country. The people are nothing—our ruler is every thing. It is him who makes gold plenty, who pays off the national debt, who raises our exports and imports, and regulates the amount of the cotton crop in the South. The gentleman seems perfectly willing to strip from the people the trophies of their industry, enterprise, and genius, and place them upon the standard of the chieftain under whom it is "a sufficient glory to serve."

The gentleman admits that the public money is now under the control of no law whatever, and has arraigned the Senate and the minority of this House for it. Has the gentleman forgotten who it was that took the public money out of the custody of the law? But he imputes fault to the Senate and the minority of this House for not passing a new law to reclaim the public treasure. If the gentleman had looked through this subject, it is the very last one that he would have alluded to. On the 24th of June, 1834, a bill passed this House to regulate the deposite of the public money in certain State banks, which the minority of this House generally voted against, and which the Senate laid on the table. Now, as the honorable member thought proper to arraign others for not passing this bill, he ought to have given his opinion either for or against it. I am very sure he will never venture to say that bill ought to have passed, for it contains some of the most objectionable provisions of any bill that was ever before Congress. But why did not the gentleman tell all, while he was on the subject? At the same session the Senate passed a bill on the same subject, which this House did not act on. And, further, at the last session a bill was again introduced into this House, and so soon as the minority offered some salutary amendments, which the majority did not like, and which they did not choose to take the responsibility of voting against, they refused to act further on the subject. So that the majority of this House not only refused to pass the bill sent here by the Senate in 1834, but refused to act on the bill of the last session, which they had originated themselves. This session has nearly passed away, and the majority has voted down repeated motions of the minority to take up the subject. So that the same party that took the money out of the custody of the law has refused to make a new law to take it out of the hands of those who hold it against all law.

But the gentleman says that this administration has showered blessings and benefits upon Kentucky in rich profusion. When he came to this part of his speech, I listened with all anxiety to hear what kind of commodities the blessings consisted of which had been bestowed by this administration upon Kentucky, as I never had heard of any before. My friend, with all imaginable gravity, without moving a single muscle of his face in sympathy with the general smile that went round the hall upon the occasion, announced that this administration had appointed to office Messrs. Amos Kendall, William T. Barry, Thomas P. Moore, Robert B. McAfee, and a long list of other Kentuckians! These are the blessings. A few men have got high offices and large sums of money. How this verifies the French saying—"that party excitement is the madness of the many for the benefit of the few." Here are the benefits which the people of Kentucky have derived from all the party conflicts, from all the divisions and heart-burnings among them, which have occurred in the last eight years. We were formerly taught that Government was instituted for the advantage of the people. But my friend eulogizes the Government for the benefits which it has bestowed on public officers. I complain that the Government will not expend a fair proportion of the public revenue to assist the people of Kentucky to make improvements; that the Government will not divide the money which is now idle in the Treasury for the benefit of the great body of the working men of Kentucky who have no office, and who desire no office; and my friend says that my complaints on these subjects assail "his party," and he answers me, as a full set-off to all the injury done to the people by keeping them out of their just rights, that a large share of the spoils have been divided among the leading partisans in Kentucky. Does the gentleman suppose that Kentucky will be willing to compromise principle, and sell the rights of the people to buy offices for leading men? My friend has truly explained the principle of party action, the plain English of which is, the art of getting and keeping money and office; and he gives a fair account of the loaves and fishes which have fallen to the share of political aspirants in Kentucky from the table of this administration, while he has not been able to find a crumb that has fallen to the lot of the people. In taking a review of the blessings of this bountiful administration, which have flowed in such copious streams into the pockets of the office-holders, the gentleman rebukes me for complaining that the expenses of the Government have swelled up to such a height of extravagance.

Sir, I will not go for the office-holders; I will stand by the laboring men of the nation, who are the bone and sinew of the land, whose industry is the source of your national wealth and prosperity, and to protect which ought to be the first care of every patriot and statesman.

When the general appropriation bill for the supply of the army of public officers with their large salaries was before the House, amounting to between two and three millions of dollars, my friend from Virginia [Mr. Mercer] proposed an amendment to appropriate the surplus revenue for the use of the people. My colleague voted for the previous question, and cut off this amendment for the benefit of the people, because, he said, if the appropriation for the people was placed in the bill that contained the appropriations for the officers, and the bill should be vetoed, it would cause an *interregnum* in the Government. Now, as the money is the main object, my friend is perhaps right in supposing that an *interregnum* would occur if the pay were stopped; therefore my friend thought it best not to put the spoils of the officers in the same bill with the appropriation for the people, lest all might fall together. This was the very reason why I desired to see both provisions in the same bill. I have in the last seven years seen so many excesses committed on the rights of the people and the ancient institutions of the country, by a fat, stall-fed Government, that I would be willing to starve it until I could count its ribs, and until it consented to give up the public money which it holds contrary to law, and divide the same among the States.

I will here leave my colleague, and we shall part with very different feelings. While he is rejoicing at the flush condition of the pockets of the political leaders of his party in Kentucky, I am left in regret, because his "party" has defeated the passage of every law for the benefit of the people of Kentucky. I leave him, sheltered under the ægis of power, secure as one of its defenders, and will proceed myself in its face, sure of its vengeance, to point out its abuses, and arraying its usurpations before the country. In this I occupy my old position. Being indebted to the people for the political honors which they have conferred upon me in the last twenty-five years—having been so long sustained by their firmness and intelligence against all the assaults of power, against all the detraction of enemies, I feel bound by the highest sense of duty, and the deepest feelings of gratitude, to continue, at every personal hazard, to defend their constitutional rights. I have never sought office under executive power, State or national; I am under no obligation and owe no allegiance to any earthly authority but that of the people.

In supporting the proposition to reduce the expenses of the Government, I shall urge the considerations which connect it with power and patronage more than those which relate to economy. I would rather commence the work of cutting down executive power by rendering members of Congress ineligible to executive appointments, by abridging the veto power and the power of removal, and by disconnecting the Executive, and the Treasury, and the public press; but, as the opportunity of voting on these propositions is now denied me, I will agitate the question of the curtailment of power in an effort to reduce expenditure.

I shall proceed to show how retrenchment will reduce power, and in what manner it will have a tendency to change the Government back from a Government of men to a Government of laws. Your army of public officers draw such enormous sums from the Treasury that they would be able at any time of emergency, by devoting fifteen or twenty per cent. on the amount of their salaries, to raise a fund sufficiently large to enable them to distribute thousands to carry elections. The reduction of these exorbitant salaries would certainly to that extent impair the power of the General Government, which is thus brought into conflict with the freedom of the elective franchise. It is high time to admonish these officers, by reducing their pay, to leave elections to the people, and stay in their offices and attend to their duties. The members of Congress, when they see the general tendency to extravagance, and the evil effects of it, ought to be willing to commence with themselves, and set the example, by reducing their own compensation. In this way they will afford the most convincing proof of their desire of carrying the Government back to republican simplicity and frugality. In showing a willingness to share the fate of others, they can, with a greater probability of success, urge a general system of retrenchment and reform in the public expenses. If we pass the amendment which I have offered, it will reduce the expenses of the Government more than a million of dollars annually; and if we are to have as many wars as the gentleman at the head of the Committee of Ways and Means has discoursed about, they will furnish additional reasons for saving money. I hope all the officers of the Federal Government, from the President down, will be willing to give up a part of their salaries to pay the poor soldiers for fighting our battles.

But there is still another more important view of the subject. The salaries of the federal officers are so far above those paid by the States, that it will not be possible for the State Governments to maintain their proper influence and weight in the confederacy. This central magnificent power rises up with honors and emoluments that so far overshadow the States that they are sunk into provincial obscurity. This central agency contains the high sources of attraction. Hence the thronging thousands that continually crowd the streets of this capital, to solicit power and money at the President's palace. Here is one great source of the President's dangerous power—the vast multitude over whose minds and freedom of thought he exercises control; for absolute submission to all the requirements of party is known to be the price of success.

To cure these evils, to restore and build up the power of the States, to revive the independence of thought and action, let us cut down federal honors and federal salaries to the size of those of the States; let us make official employments about as profitable as the common pursuits of life, then men will not be tempted to quit the service of the States, and the independence and freedom of private stations, and become courtiers at the footstool of federal power.

Sir, we have raised a portion of our public officers too far above the people. They have been elevated to a point of exaltation where human vanity becomes giddy, and forgetful of the rightful source of power. Our head men, upon their six thousand dollars per annum, in their eagerness to adopt the manners of European aristocracy, have forgotten the plain republican style of living of American citizens. The President and five of his home ministers, receive as much as the Governors of the twenty-four States. The twenty-four Governors preside over the concerns of fifteen millions of people, their duties extending to all the complicated relations of life, while the duty of this central agency is restricted to general superintendence. Yet the amount of compensation seems to be increased in proportion as the labor is less. Five home and one foreign ministers receive more than the chief justices of the twenty-four States; yet the labor of these six ministers is but a drop in the ocean in comparison to the duties performed by the twenty-four judges. The President alone receives as much as the Governors of sixteen of the States.

It appears from the secret history of the debates in the Federal Convention, that Doctor Franklin was of opinion "that the Executive should receive no salary, stipend, or emolument, for the devotion of his time to the public service, but that his expenses should be paid." The great experience and sagacity of Franklin enabled him to foresee what has already come to pass, that, if a princely support was provided for the President, an example would be set in his style of living which would be followed by all subordinate officers, until extravagance and degeneracy would ruin the public service. President Washington seems to have entertained the same views; he refused to receive any compensation for his services above his expenses; and his plain republican style of living is well described in the memoirs of the celebrated Chateaubriand, who visited Washington in 1791. He says: "A little house of the English construction, resembling the houses in its neighborhood, was the palace of the President of the United States: no guards, no valets. I knocked; the servant girl opened the door," &c. How delightful and refreshing it is to turn from the scenes around us, to contemplate the profound forecast and philosophical views of Franklin, and the citizen-like simplicity of the example left us by Washington! How striking is the contrast! Now, a splendid palace towers in regal magnificence far above many of those inhabited by the monarchs of Europe; and the President's hospitality is as sumptuous as the pampered epicures who doze away a worthless existence at the courts of Asiatic despots could wish. This palace, according to the notorious east-room letter, was, in the administration of Mr. Adams, furnished in such splendid style as to shock the sensibility of a republican. Yet this reforming administration, not satisfied with the costly decorations which were then the theme of democratic denunciation, has expended the unexampled sum of forty-five thousand dollars in the purchase of new furniture, which throws all that preceded it far into the shade. In addition to this, the President receives an annual salary of twenty-five thousand dollars a year. In attempting to make a President, we have made a monarch in fact.

In all the forms of Government that have ever been tried, the executive power has been found too strong, and, in the long run, has swallowed up all other powers. It is taking the direction here which was anticipated by many at the adoption of the constitution; and now, in the bitterness of their disappointment, the most ardent of the original friends of a strong Executive see fast accomplishing the predictions of Patrick Henry, and many other sages of his day. Among all the votaries of liberty, it is an uncontested maxim that the superstructure of free Government rests upon the division of its powers into three independent distinct departments. Mr. Jefferson's definition of despotism is the union of all the powers of Government in the same hands. Yet history furnishes no example in any free Government where the executive power has made such advances of usurpation upon the other departments in so short a time as in the United States.

A brief contrast of the powers claimed and exercised by the Executive at the commencement of the Government, and now, will make this manifest. At first he claimed the power to remove public officers for misconduct; now he removes them for a free exercise of the right of suffrage. At the commencement of the Government it was held to be a fundamental principle that the purse and the sword should be kept separate; now they are in the same hands. For forty years Congress exercised the right of conducting the operations of the Treasury through bank agency; but now, while the President denies to Congress the right to establish a national bank, he appoints himself an executive bank, composed of an association of State banks, to conduct the fiscal affairs of the Government; so that the long-contested legislative power to establish bank agency for the Treasury has practically passed into the hands of the Executive, and he has established the most dangerous money monopoly in the world. Ever since the adoption of the constitution, it was held that Congress possessed the money power, and had authority to regulate the currency and fix the standard of value, until the President seized the public money, and issued decrees through the Treasury to regulate the currency. The power that regulates the currency is a power over the commerce, agriculture, and manufactures, of the country. The power that can raise or depress the currency can tax, without limit, the labor of the people. It is customary in all the States to hold annual examinations into the condition of their treasuries. It has been the custom for committees of Congress to examine the national Treasury; but now this new executive bank, this many-headed monster, shrinks with alarm from all scrutiny; and such is already its influence that every proposition to examine its concerns has been voted down. This House will not trust its own eyes to open the doors and look at the actings and doings in this great political gambling shop. It is now plain that Congress will adjourn and leave its deeds shrouded in the darkness of midnight.

The veto, as formerly understood, was a negative power given to the President to enable him to defend his department from encroachment. Now, it has become the active principle of legislation. The President takes the responsibility, seizes the public money, appoints a national bank agency for the Treasury, and issues decrees to regulate the currency, and continues to exercise these high sovereign functions of legislation until two thirds of Congress shall be found (which will never be the case while he can appoint the members to office) to take these powers out of his hands. It is thus, by the exercise of the veto, that the authority of Congress has become powerless, and the Executive has acquired dominion over the property, the labor, and the commerce, of the United States, by assuming the power over the Treasury and the currency.

In tracing the advances of executive power, nothing is more striking than the dominion which it has acquired over the public press. The press is admitted to be the most formidable political engine of modern times. During the high and palmy days of true principles, the press was the faithful channel of truth—the palladium of liberty. The press then fought the battles of the constitution, because it was paid by the community, who have not, and who do not desire, office. Now we have a press in the service of the Government, organized and regulated by disciplined ambition, and gorged and fattened out of the public crib. There are at this time in the pay of the Government more than one hundred editors of newspapers scattered throughout the United States. There will be paid to one press at the seat of Government near one hundred thousand dollars per annum out of the public Treasury.

There is not in Russia or Turkey a press under more despotic control. If it were to insinuate that its master was not infallible, or refuse to affirm that the most glaring abuses of power were right, or deny the guilt of every public defaulter, even if the proof were as clear as the mid-day sun—if it should suggest a doubt as to the election of the chosen successor—it would not only lose the bread upon which it is fed out of the public granary, but would be overwhelmed by party vengeance. So completely is the independence of the press bought up, that we would as soon look to see the waters of the Potomac roll back to their sources, as to see this press tell the plain truth to the people. It is a part of the daily duty for which this press is paid, to misrepresent and traduce every member of Congress who opposes the encroachments of executive power. Such a press undertakes not only to judge of the conduct of the people's representatives here, but to give evidence to the people against them. Such a witness, paid such a sum for his evidence, would not, in a court of justice, in a contest between two citizens for one dollar, receive credit from any honest judge or juror. It is mainly through this pensioned engine that the power of the Federal Government is brought into conflict with the freedom of elections. It is paid out of the people's money to uphold and advocate every candidate for office who is known to be on the side of power, and to defame and vilify every one who is on the side of the country. Thousands of honest people have been deceived by this press, not knowing it was paid for every word that it uttered; and, under this deception, they have cast many faithful patriots from their service.

The important clause in the constitution which confers upon the President the right to appoint public officers, "by and with the advice and consent of the Senate," was scrupulously adhered to in the days of Washington; but of late we have seen persons appointed to office upon the responsibility of the Executive, after their rejection by the Senate. We have seen the most important offices kept vacant for years, to the detriment of the public interest, because the persons first nominated were not confirmed. We have seen an effort made to have the journal of the Senate destroyed, which recorded, for the benefit of the present generation, and for the benefit of posterity, a signal instance of executive usurpation. Of all the wounds which have been made on the guards of liberty, none is more alarming than that which has been inflicted on the Senate. The hue and cry has been raised against that body, and rung along all the lines of patronage, because it made a stand against the encroachments which were demolishing its constitutional rights. We have seen executive power exerted with lamentable success in changing this constitutional check into an effective auxiliary.

The gentleman from Tennessee [Mr. BELL] remarked that none of our early writers on the dangers of executive power foresaw that the Post Office Department would become the most extensive and dangerous means of patronage; neither did they anticipate that the public money would be used to subsidize the press, which exercises more influence on public opinion than even the Post Office with its thirty thousand dependants and agents scattered throughout the United States; but both taken together make the most formidable and dangerous political engine that exists in the world.

From this rapid sketch of the present outline of executive power, it is evident that there is but one man in the republic. Every other office, every other interest, is lost in the shoreless ocean of his power. Every officer, State or national, from the highest down to the lowest, is elected in reference to his opposition or adherence to the President or the candidate for the presidency. This is not wonderful, because the President does, in fact, hold in his hand the executive and legislative power of the country. The expanded dimensions of executive power leave no room for liberty to breathe in. The office is too high, too attractive, for human weakness. The temptation to arrive at it is too great for human virtue. In the contests for this office, the country will be sacrificed, and liberty overthrown. Behold the formidable array of power that is now brought to bear on the presidential election: the whole patronage of the Federal Government; the forty thousand public officers; the machinery of the Post Office Department; a pensioned press; the numerous army among whom the public money is loaned out!

Every aged man can remember when the executive power was confined within the limits of the constitution, that the presidential elections were quiet, orderly, and fair; but now the whole country is convulsed in the scramble which is to divide the offices and money among those who succeed in placing their chief in possession of more power than is exercised by any of the modern Kings in the south of Europe. If the morals of the people were made of adamant, they would in time be worn away by the perpetual stream of corruption, in which unchastened ambition will ever attempt to swim to this highest prize of distinction—the presidential office. The experience of all other free nations has proven that elections are the point in the fortress of liberty where usurpation and corruption make their first attack. The arts of political aspirants, who were willing to sell their souls and betray their country to satiate unholy ambition, have caused elections every where to result in corruption.

I will bring forward a few illustrations from Roman history. In the pure days of the republic, the Roman magistrates were fairly elected by the qualified voters: men of the highest talents, the most approved experience and sterling integrity, were called into the public service. Such public servants conducted Rome to the highest elevation of power and glory that has ever been reached by any nation. But at last the destroyer came, and breathed the breath of corruption on elections. I will read some passages from Adams's Roman Antiquities. Under the head of candidates for office, the historian says:

"On the market-days they (the candidates) came into the assembly of the people and took their station on rising ground, whence they might be seen by all. * * When they went down to the Campus Martius at certain times, they were attended by their friends and dependants. * * They had persons likewise to divide money among the people. * * * There were also persons to bargain with the people for their votes, * * and others in whose hands the money promised was deposited. Cæsar pillaged the wealth of the provinces to spend it among the citizens of Rome, and gave his rapine an air of generosity."

Could an actual description convey a more distinct idea of what is passing here before our eyes than is to be found in the above extracts from Roman history?

I will read a passage from Gibbon, to illustrate the progress of corruption in Roman elections:

"The prætorian bands maintained that the mixed multitude that thronged the streets of Rome were not the real people; that they were alike destitute of spirit and property.

"That the defenders of the States, trained to the exercise of arms and virtue, were the genuine representatives of the people, and best entitled to elect the military chief of the republic."

And after they had murdered the Emperor Pertinax, "they ran out upon the ramparts, and with a loud voice proclaimed that the Roman world was to be disposed of to the best bidder, at public auction."

The candidates for the imperial power at the foot of the ramparts carried on the contest.

"Sulpicianus promised a donative of five thousand drachms (above £160) to each soldier. Didius Julianus, eager for the prize, rose at once to the sum of six thousand two hundred and fifty drachms, or upwards of £200. The gates of the camp were instantly thrown open to the purchaser, and he was declared Emperor. They placed their new sovereign, whom they served and despised, in the centre of their ranks, surrounded him on every side with their shields, and conducted him in close order of battle to the Senate house, which, after he had filled with armed soldiers, the new Enperor expatiated on the freedom of his election."

Such is the result of Roman elections. Such the manner in which executive patronage was brought into conflict with the freedom of elections in the most renowned nation of antiquity. In our own country we have seen the office-holders attempting to dispose of the presidency, who have no better claims to speak in the name of the people than had the Roman cohorts. In place of bidding £200 to each voter, we have seen the revenues and offices of the country bid for the presidential office, to be divided out as lawful spoil among those who would bring the greatest number of votes to the polls. Our elections are taking the direction they did in Rome, and will end in the same way if we do not reduce the power of the President, and thereby take away the temptation to betray and corrupt the country to get the office. No matter what the form or the name may be, the very instant that any Government is organized, two distinct interests in society are formed—the interest of the rulers, on the one hand, and the interest of the people on the other. It is the interest of those among whom the honors and the revenues are divided to form combinations and a "party," to keep in their hands these honors and revenues, and to transmit them to their relatives and friends. It is the interest of the great body of the people to have a cheap and a pure Government, and that it should be administered by able and pure men. It is the interest of the office-holders to have an extravagant Government, because they reap the benefit of extravagance. And it is the interest of the head rulers, in place of having able, honest men in office, to have such as will agree to be "mere instruments."

The history of nations is nothing but a narrative of the conflicts between these two separate interests of rulers and people. On the one side there is union, discipline, art, and intrigue; on the other, honesty, unsuspecting, confiding confidence. The result every where has been the triumph of the office-holders; and, in the end, in all other nations, they have made themselves the people's masters, and become a separate hereditary order.

The long-contested question, and which is committed to the Americans for final decision, is, whether the people can maintain their free Government against the perpetual war that will be waged upon it by their own officers? I call upon the people to behold the formidable array of power with which they have to contend. Forty thousand public officers—a pensioned press—thirty-five deposite banks—a subservient Post Office—the multitude among whom the public money is loaned out—all combined to keep the people out of their money, and to control the Government, constitute a force more terrible than an open army with banners; because it advances secretly through byways, through the vaults of banks; it crawls through all the channels of corruption; and while all appears fair on the surface, while the people, active in industry and enterprise, are moving rapidly on to wealth and apparent prosperity, the subtle poison of despotism is infecting the vitals of the body politic.

In the contemplation of our public affairs, there is no aspect of them to be more regretted than the selfish personal character which the struggles for the presidential office have communicated to party. Our early parties were formed upon a difference of principle, each contending for the country, for the whole country, for the security of liberty, for the preservation of the constitution. Ambition was then a noble and elevated principle, which identified its success and elevation with the success and elevation of the republic. The party now is not distinguished by the profession or the practice of any known system of principles. The art of getting and keeping money and office, and transmitting them to friends, is the principle of action. No matter what are the principles of an individual, if he will labor in the vocation of office-getting and money-getting, he is taken into full fellowship and communion with the party. Our early patriots and statesmen rose to eminence by the possession and exercise of talents, experience, and virtue—by eminent services rendered to the country. Now, love of country is changed to devotion to men: man-worship is found to be a more ready road to success than devotion to the country.

The only avenue now open to honorable distinction is submission to power. This principle of party action, upon which success now depends, is enforced upon the observance of all the members of the party, by both the precept and example of the person who now holds the second rank in the Government, and is aiming at the first. He prides himself upon, and in the spirit of exultation, proclaims, that "To have served under such a chief, at such a time, and to have won his confidence and esteem, is a sufficient glory; and of that, thank God, my enemies cannot deprive me."

The annals of the nineteenth century do not furnish an example, in the despotisms of Asia, of such an instance of the worship of one man by another. And this flattery was successful in winning for him the presidency; for, if that individual succeed, no one will doubt that he will owe his success to the favor of the exalted personage under whom it was a sufficient glory to serve. The glory is not in having served his country, but in having served under a chief. The glory is not derived from services rendered Rome, but from the honor of having served under Cæsar. Here we have, in bold relief, the principle and example of the leader of the party. All aspirants will take the hint from this example of success, and must make their way to office and money by the same means. Under this system all high and honorable ambition must perish; all hope of rising to eminence, by the possession of eminent qualifications, will expire; and servile adulation and man-worship will become the order of the day. Federal power, as it now exists, is built upon this compact; all subordinates are to sustain it in all of its courses, right or wrong; and, in return, it is to throw the ægis of its protection over each member of the party, no odds what may be his official acts of omission or commission. If the spirit of the times will tolerate and justify such an example in a candidate for the first office, it will of course be followed by every one who expects to reach the throne by the aid of governmental patronage.

We have already come to the point where every candid man will admit that the next presidential election, so far as one of the candidates is concerned, depends on the wish of the present Chief Magistrate. Did any American expect to live to see such a wonder? Did any one imagine that an American President would so soon acquire the power to appoint his successor? Is it in the constitution of nature that man must every where seek a master, and crouch to power? Must the right of suffrage every where become a mere shadow, and the voter a mere machine? Are nations every where destined to become estates in the hands of rulers, to be transferred by hereditary descent as property from father to son?

The powerful phalanx of public officers, printers, and money-borrowers, enlisted in this presidential canvass, are in some respects in the same condition that Bonaparte's army was previous to his election as Emperor of France. Public proclamation was then made that every soldier might freely vote according to his wish; but at the same time a secret order was issued that every one who did not vote for the Emperor should be shot. Here it is said the public officers and the borrowers of the public money and the printers are free. But it is well understood that every one who does not vote and get others to vote for the already appointed successor shall, not be shot, but, if an officer, be cashiered and turned out; and, if a money-borrower, must pay up. Executive power must be reduced. The confederacy that has the public money, and is fattening upon the labor of the people, must be compelled to disgorge their ill-gotten spoils. My observation here for the last five years has convinced me that a republican Government cannot be preserved unless it can be made a cheap Government. Liberty and frugality have never been and never will be long separated. Extravagance naturally leads to corruption, and corruption to despotism.

Sir, the adoption of the amendment which I have offered to this bill, by which the expenses of the Government would be reduced more than a million of dollars annually, would be attended with the most salutary consequences. While it would purify the Government, and reduce the power and patronage of the Executive, it would rebuke the public officers for intermeddling with elections, and bring them to a proper sense of their dependence on the people. It would revive the power and influence of the States, check the spirit of federal usurpation, and cut off the temptation that men are now under of selling their freedom of thought for office and large sums of money. It would give the Government a direction back to the republican simplicity of the days of Washington and Franklin. It would teach power to tremble in its strongholds, and re-establish the ascendency of public opinion.

Being solemnly and deeply convinced that extensive abuses exist in the administration of the Government—that power is advancing with the rapid strides of usurpation upon the free institutions of our country—that the precious heritage of our freedom is in danger; believing that the only remedy for these evils is to be found in the public reason—I have appealed to that reason, and call upon my countrymen to rally in defence of that liberty which they hold at the price of the blood of their fathers.

When Mr. Allan sat down,

Mr. CARTER, of Tennessee, rose and said:

That it was not originally his intention to have said a word on the subject of the bill under consideration. But the recent course of the House on the subject of another bill now upon the table, the distribution of the proceeds of the sales of the public lands among the several States of the confederacy, according to their respective population, in which his constituents, and the country generally, in his conception, were deeply and vitally interested, warned him that this was probably the only opportunity that would be afforded, during the present session, of discussing the merits of that proposition—which he proposed to do, in connexion with the bill before the committee.

Mr. C. said he should be recreant to his duty, and unfaithful to those he had the honor to represent upon this floor, were he not to ask the indulgence of the committee whilst he offered a few remarks upon these interesting subjects--subjects in which the whole country felt such an abiding and lively interest. He said he labored under no difficulty in determining what was his duty to the country, and the course he ought and should pursue in relation to the bill now under consideration, and in relation to the appropriations generally designed really for the permanent defences of the nation. It required no argument to convince his mind that judiciously located fortifications were necessary for the safety and welfare of the country, and he conceived it to be the duty of Congress to make ample and liberal appropriations for their accomplishment, not only in the erection of them, but in arming them, and making all necessary equipments to meet any emergency that might occur. He said he would go as far as he that went farthest in the expenditure of the public money upon proper and useful fortifications, wherever the interest and safety of the country required their erection, or demanded this sort of defences. No man would more readily and cheerfully vote ample and sufficient appropriations than himself. But, said Mr. C., the defences contemplated by the provisions of the bill under discussion, and other schemes of the same character now before Congress, were not, in his judgment, the kind that seemed to guaranty to the country the most efficient and formidable defence, nor were they the most useful or economical. He said he had no doubt it was right and proper that fortifications should be established at the principal seaports, for their protection against the assaults of an enemy, and for the protection of commerce--at the naval depots and the navy yards, for the security of public property. But the idea of fortifying the whole maritime frontier, from Maine to Louisiana, a distance of between three and four thousand miles, by an almost unbroken chain of forts and fortifications, each of which must cost several millions of dollars, was preposterous and absurd. He said to do this was impracticable, and to attempt it would be impolitic, unwise; and, if commenced and prosecuted to any considerable extent, would produce the most disastrous consequences to the country. It would, in the first place, very uselessly involve the Government in an enormous public debt, and, what would be worse than all, it would rivet upon the country, in time of peace, a large standing army, alone for the safe keeping and preservation of these forts and the necessary attached ordnance, to be supported and sustained by a very heavy charge to the community, and to the prejudice of the agricultural, manufacturing, and all the better interests of the country. He said, let gentlemen involve the Government in these wild and visionary schemes of public defences, proposed by the dominant party in this House, through the chairman of the Military Committee, [R. M. Johnson,] an aspirant to office, connected with the profligate and rediculous propositions upon the same subject in the Senate, and you will present to the American people a system of military establishments of the most alarming and dangerous character, and such as will justly draw down upon the authors of the policy the indignation and rebuke of the good people of this country, whose liberties will be endangered by it, and who must be taxed beyond all endurance for its support.

He said he had, with great mortification, seen encroachment after encroachment upon the rights and liberties of the people, by the aid and influence of party, but he had not expected to see the day arrive, when those who claimed to be exclusively the republicans of the day adopt a favorite principle of John Adams the elder, the father of the federal party, by an attempt to change the form of our Government, to sap the very foundation of iberty, by riveting upon the nation a large standing army in time of profound peace, with all its dangerous and demoralizing influences. The American people, sir, will revolt at the very idea; they will not, they cannot, submit to it; they connot be thus imposed on by party influences and party considerations; there is too much good sense and spirit in the country to be thus tricked and defrauded, even under the pretext of "public defences," as the party choose to term them, and behind which name they seek refuge when assailed for an attempt to waste and squander the public money. Sir, when this profligate measure just referred to was introduced in the Senate, (by Mr. Benton, the leader of the Van Buren party in that body,) proposing to appropriate the whole surplus, which would, in that case, have amounted to at least fifty-five or sixty millions of dollars, it was represented by the friends of Mr. Van Buren as an administration measure, one approved by General Jackson himself, and heavy denunciations were about to be pronounced on all who would dare to stand in opposition to its adoption, as enemies to the present administration and to the country. But, sir, when the light appeared, when the true developments were made of the opinions of the War Department, endorsed by the President himself, the delusion vanished, and those who, from a consciousness of duty, principle, and the good of the country, were bound to oppose this wanton waste, were saved from the denunciation of the party, as enemies to the administration and the country. Sir, the President and Secretary of War both, in their communications to this House, disapproved of this visionary and wild scheme; therefore we are to consider it the policy of Mr. Van Buren, and not that of General Jackson, because the latter disavowed it. It was introduced by the immediate friends of the Vice President, (Mr. Van Buren,) and was receiving the support and approbation of the whole party, until General Jackson signified his disapprobation.

Whilst upon this part of the subject, (said Mr. C.,) he hoped he would not be considered as trespassing too far upon the time of the committee, by referring more specifically to the fortifications and defences of the country. It is proposed, sir, for the protection and the defence of the seaboard frontier, in extent between three and four thousand miles, the erection and armament of two hundred and thirty-two forts. These works have already cost the Government large sums, and, when completed, will have cost about forty millions of dollars, according to the estimates. Four of them have been completed, and found to have cost four millions and seventy-three thousand dollars. One hundred and ten of the others are now under construction, and have already cost four millions one hundred and fifteen thousand dollars. The Secretary of War says, in his report, that it will require fourteen millions three hundred and, perhaps, forty or fifty thousand dollars more to finish them; making, in all, about nineteen millions of dollars that have been expended, and yet required, for the completion of the last-mentioned fortifications; and still there remained one hundred and eleven forts, and, he believed, fifty or fifty-three steam batteries, yet to be commenced, the cost of which, by the estimate of the same Department, is to be about seventeen millions more, making a total of forty millions of dollars, part finished, as before stated, another part under way, and the balance yet to be commenced. And, Mr. Chairman, all past experience on the subject of estimates for public works, made by any of the Departments, shows those estimates to be very far short of the real costs of public works, and that they are not to be relied on. And, sir, you must invariably, upon an extensive work, double the estimate, to cover costs. Thus, instead of these forts and steam batteries being built with forty millions of dollars, as per estimates, when finished, they will more likely be found to have cost eighty or a hundred millions, in addition to the sums already expended.

Again, sir, when you shall have gone thus far, you are not done with the expenses attendant upon these works. The Secretary requires thirty millions more, to arm them with guns and put them in a state of defence. And then comes another great calamity; they must be furnished with soldiers, to garrison and preserve them from damage, at the cost of two or three millions of dollars more per annum. And, in time of war, to garrison these fortifications properly for defence, the same Department tells you will cost thirty millions of dollars each year. And still, sir, our Military Committee now proposes, and urges vehemently, that nineteen new and heretofore unthought-of forts should be added to the list, that will be an additional cost of a hundred millions of dollars; and then another addition to the standing army. Sir, I should think this was an unfortunate recommendation of the candidate for the vice presidency—to show so much anxiety to expend two or three hundred millions, in one string of country, in addition to the four hundred and twenty millions collected by the Government of the people, and poured out lavishly in the same favored region since the year 1815, a space of twenty years, almost entirely to the exclusion of the South and Southwest.

Where is our wonted confidence in the militia of our country? Why can we not now trust citizens to be soldiers? Why can we not rely upon that spirit, and upon those citizens, which sustained our fathers in their revolutionary struggle and secured our independence? What then constituted the strength of our country?

Was it,

> "High-raised battlement, or labored mound,
> Thick wall or moated gate?"

Was it,

> "City proud, with spires and turrets crown'd;
> Bays, and broad-arm'd ports,
> Where, laughing at the storms, rich navies rode?"

Was it,

> "Starred and spangled court,
> Where low-brow'd baseness wafts perfume to pride?"

No, sir! no!

> "But men, high-minded men,
> Men who their duties knew,
> Who knew their rights, and, knowing, dare maintain."

These at that day constituted the State, its shield, its strength, its soul; but are now to be set aside, and "high-raised battlements and labored mounds," filled with standing armies, are to be substituted instead.

Mr. Chairman, this policy cannot stand, it cannot endure the light of investigation, nor will it bear the test of the scrutiny of the American people. They, sir, when proper lights and correct information are afforded them, will decide all matters submitted to them correctly; condemning nothing "that is right, and submitting to nothing that is wrong." Sir, I would to Heaven this much could, in justice, be said of our public functionaries generally. They get into power, and into the enjoyment of the spoils of office, and seem to forget the welfare of the country, and act as if the Government was created alone for their special benefit, having apparently no idea that it was designed for the protection and promotion of the happiness of the great American family. But, sir, it seems to be a melancholy fact, and he was sorry to be constrained to admit it, that the political horizon appeared to grow darker and darker as our republic advanced in age; that disinterested love of country which characterized our fathers of the Revolution had taken leave of the bosoms of many of our public men, and selfishness and corruption, and all the heinous devices of party, in their most hideous shapes and worst forms, had supplanted patriotism and public virtue. He regretted that he felt authorized to make these declarations, but he feared there was too much truth in them for the safety of the country; this is more or less verified and manifested by every day's movements of the ruling party power in this Congress. Party movements, for the advancement of party interests and party aggrandizement, are notoriously and obviously the order of the day; and without entire obedience and submission to prescribed rules of action, proscription and dismissal from all participation in the anticipated spoils, is the threatened consequence. Sir, the good of the country is, now-a-days, not even a secondary consideration. He said these were signs portending danger, and if the American people heed them, they will spurn the pretensions of any party who seek their confidence, that thus wantonly and selfishly invades their liberties.

Again, sir, it is proposed, by the year 1850, to have our naval defences (which are by far the best defence) to amount to one hundred and fifteen ships of war; which is estimated at an annual expense of seven millions of dollars, and by the appointed time will amount to one hundred and five millions. It is not designed, sir, to put all these vessels into immediate service, but to procure the building materials, to fit and prepare them in such manner, that upon an emergency our naval strength can be increased to one hundred and fifteen new ships of war.

Then, by the estimates, it will require about three millions more to arm them for service. This Congress has already passed a bill appropriating six millions of dollars for this service, which, added to the annual appropriation of five hundred thousand dollars, approaches very near the Secretary's requirement of seven millions for the increase of the navy. These estimates, he said, he made more particularly for his constituents, to give them some idea of the costs of the public defences, which are now sufficiently costly, but are attempted by the party dominant in this Congress to be swelled ten or twenty fold, for no other purpose but that of exhausting the Treasury of its surplus, to prevent a distribution of it among the States. What, said Mr. C., can be more plain that the party will waste this large surplus upon objects worse than useless, than a recurrence to their various and almost innumerable schemes and projects of appropriation? and when they tell you, in so many words, they would prefer that the money should be sunk in the Potomac, than distributed among the States—among the people to whom it belongs? Nay, when this House is told by the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] that he would rather see the nation involved in war, than that distribution should be made of this surplus. Sir, this is alarming: when American life and blood are placed in the scales to weigh against money, and when all the calamities of disastrous war, drenching the earth with the best blood of our citizens, are preferable to the parting with money, he must say such sentiments were not indicative of the sympathy, brotherly love, and patriotism, that should characterize every American citizen and statesman. Whenever the lives of our countrymen have a price fixed upon them in money, and that too in the national councils, and by the legal guardians of our lives, liberty, and property, it at once shows that avarice and her long train of wicked associates have become conquerors of the better virtues; and nothing but evil can come of it. Sir, it is also said that distribution will corrupt the people; to which he would remark, that if corruption is the necessary consequence upon the possession of the surplus, does the party feel disposed to make a monopoly of all the corruption? He said he would submit to the committee, taking for a moment the premises as correct and tenable, whether thus corrupting the fountain of power, the sources of a healthy action to the body politic, must not in the end prove fatal to the whole? But, he said, he denied the premises, and must say the safety of the country alone depended upon the people; they have the integrity, and the only antidote to this malignant distemper, and they only can be relied on for a perfect cure. Mr. C. said he was astonished to hear such sentiments proclaimed upon this floor or elsewhere, that the people could not be trusted with their own money, for fear they would be corrupted. Sir, if this position be true, the Northern and Eastern States must, by this time, be awfully corrupt, for they have received the benefit of almost all the disbursements made by the Government from its commencement up to the present time. And if corruption be the consequence of distribution of the public money, those States inevitably are now past recovery and quite prepared for dissolution. No rule is a good one unless it will work both ways. These States have had almost all the money expended among themselves, and can readily judge of its corrupting influences; and if they consider themselves to be untainted, and uncorrupted, they should not be so fearful now of injury to the Western States, by a process that has proved harmless to them. But if they are satisfied that the public money that it has been their fate to enjoy has had that effect upon them, why, they are well prepared to deliver moral lectures. But, sir, these are insults; they are slanders upon the integrity and patriotism of the American people. And I am the more surprised to hear them made by a party now seeking power, and asking these people, whom they say are so corruptible, to elevate them to the high places of the Government, to feed upon the identical money they say will corrupt the people if divided amongst them. Mr. C. said he repudiated the charge of corruption, when made against the people; they are honest, and can have no motive to be otherwise. But, sir, when the charge is made against those who subsist alone upon the patronage of the Government and party spoils, who are daily in the use of intrigues for purposes of self-aggrandizement and party promotion, he admitted the charge more readily applied.

Mr. C. said he would again repeat, that he would willingly and freely vote the most liberal appropriations for every constitutional and proper object connected with the defences of the country; but schemes that have only for their object the exhaustion of the public Treasury, by the most profligate and wasteful expenditures, upon works that can effect no good, but great injury, and for the express purpose of preventing a distribution among the States for laudable and highly necessary improvements and purposes of education, within their respective limits, by the State authorities, are just such projects as cannot but meet with his entire disapprobation. The proper defences were not local, stationary, and immoveably fixed fortifications, created at an enormous expense, and only capable of defending so much of the surroundng country as may fall under the cover of their guns, except at such places as before mentioned, and such other points as would command important avenues of communication, and insure security to an extended surrounding country. The occupation of places coming within this general principle, are the only places that should be guarded by this sort of defences. At such points the Government have already completed or have under construction this description of fortifications, and only require some additional appropriations adequate to their completion in the entire. But, sir, pursue the dictation of the Van Buren party, and the consequence will be not only an exhaustion of the large surplus now on hand, but the creation of future liabilities of three or four hundred millions of dollars, to be collected in some shape or other of the people, either by increased duties of the tariff, or by a direct taxation upon them; and then no additional security to the country will have been effected. Sir, the true defence of the nation is in the bosoms of the brave and chivalrous yeomanry—appeal to their patriotism, and you are never deceived in redress of national insults and grievances—not in your forts and stationary fortifications. The leader of the same party in the Senate, [Mr. Benton,] as remarked before, proposed to apply the whole surplus to the erection of this sort of defences; he asked, when could the Government, employing the whole operative and mechanical resources of the country in an economical and prudential manner, expend this amount? Could it be done in less than ten or fifteen years? If not, why appropriate it all now? If the system is obliged to be carried out, why not be contented with appropriations commensurate with the power or ability of the Government economically to expend? Sir, no good reason could be seen by him for the adoption of such a policy. But, sir, go into it, and make these highly extravagant appropriations, and the consequence will as certainly be, as that you do it, that bankruptcy and defalcations will happen with nineteen twentieths of your public officers charged with the expenditure of this sum, and to whom you are obliged to confide this trust. Every day's experience proves to us all that a superabundance of money at the command of any of us naturally begets waste, and useless and pernicious extravagance; and the same rule that rightfully applies to us as individuals, will apply with increased force to our public officers generally intrusted with the public funds. The accounts of the numerous defaulters in your several departments verifies this melancholy truth.

These woful manifestations of extravagance, by the dominant party, proved satisfactorily to his mind that there was much more in contemplation than that of "public defences;" that this patriotic name was assumed for effect, as was lately done by the present aspirants to office, in the conversion of "caucus" for that of "national convention," for the purpose of gulling the people; knowing well that the term "caucus" was a most odious name to the Americans. But, sir, when you come to analyze the late unauthorized Baltimore convention, at which Mr. Van Buren was nominated for the presidency, you will find the name was alone changed; and that it was really a caucus, composed of individuals chosen by a few irresponsible office-holders, the great body of the people not having been consulted upon the subject. The consequence of this caucus system, if permitted by the people now to be riveted upon them, is, that they have for the last time exercised the free prerogative of choosing their public officers; they will be selected for and placed over them, without having their choice or wishes consulted; and thus will end the important privilege now enjoyed by the great mass of the people; the many will be ruled by the few interested office-holders as with "rods of iron." The interests of the party may require the adoption of this unusual and most hateful waste of the public money, to give them the command of larger sums, nominally by sanction of law, to be used for electioneering purposes, but the better interests of the country forbid it. Mr. C. said, such juggling and political hypocrisy, intended to mislead the public mind, should be met with the abhorrence and contempt which all such conduct deserved at the hands of an honest representative of an independent and free people. He said he would like to see the gentlemen who were opposed to the distribution of the nett proceeds of the sales of the public lands among the States, for internal improvement and education, come out fairly and boldly, and oppose it upon principle; show the demerits of the policy, and not shelter themselves behind "the public defences," expecting to gull and deceive the people by exciting their patriotism under false pretences. Sir, the defence required by this country consists in an efficient navy, that rides the waves and guards our commerce abroad in peace, and in war prevents invasion from abroad, and can hover around our coast, and protect the land from any fleets which could be sent across the ocean. These naval defences are important and indispensable, and will be always useful in peace or war; and are such as the people will approve.

Mr. C. said, the bill which proposes to divide the sales of the public lands among the States according to population, and which bill these extravagant appropriations for fortifications were designed to defeat, was a measure of more importance generally, and particularly to the Western States, where the people had always paid heavy taxes and never had received a dollar in return, than any measure now pending, or which has been for many years, and which he had hoped would have received the sanction of Congress this session. But the party movements of late were such as to induce him to believe they intended to give it the go-by, and not consider it the present session; the effect of which will be to continue the party and their political friends in the exclusive use of forty or fifty millions of the people's money. He said he was aware that this subject of distribution had occupied much of the time of the Senate at the present session, and of both Houses heretofore. But the friends of the policy had not succeeded in procuring for the country the immense advantages that would result to the States by its passage. Yet, when backed by the sovereign people, they should not be discouraged in so good a work, but persevere by redoubled exertions in the establishment of a policy so just and equitable in its character, that it must prevail; the people require it, and their will must be respected and obeyed. He said the people, under the fundamental principles of this Government, are entitled to equal benefits and advantages from its administration; but in all times past these benefits and advantages have been extremely partial and unequal. Whilst the public treasures have been poured forth in profuse extravagance in many of the States for all purposes whatever, there are some others that have not as yet received a cent from the Federal Government, and such in particular was the treatment of that portion of the country he had the honor in part to represent; but he hoped the time had now arrived when justice (and he asked for nothing but justice) would be done to that long-neglected and depressed section. Mr. C. said many objections were made to distribution, by members belonging to the party in support of Mr. Van Buren, in this and the other branch of the Legislature, but he considered there were but three points to settle to justify the policy. The first was the constitutional power of Congress over this fund; the second expediency; and, lastly, would there be a surplus in the Treasury, after defraying the ordinary expenses of the Government, and providing abundantly, nay, liberally, for the necessary increase of the navy, and all other proper defences? He said it appeared to him, if these points could be clearly settled in the affirmative, there could be no rational difficulty in the way of the passage of the bill; and he hoped and confidently believed that he would be able clearly to show the power, the expediency, the existence of a large surplus, and, in addition, the necessity; and that the Government was bound by every honorable consideration so to do, by the express terms of the contracts between her and the ceding States, in the acts of cession themselves, and also by constitutional provisions in relation to the public domain.

He said it would be recollected that the State of Virginia ceded to the United States by far a greater quantity of land than did either of the other States, which comprised the large and extensive tract of country, then called the Northwestern Territory, and is now the States of Ohio, Illinois, Indiana, Michigan, and Wisconsin Territory. This cession was made in 1784, before the adoption of the federal constitution. After making certain reservations, and stipulating for the payment of the national debt, it is provided, in the face of the act of cession, that "all the lands within the territories so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia included, according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and no other purpose or use whatever."

The cession was made during the operation of the articles of confederation, and he said he would ask if the States, when they came to adopt the federal constitution, did reject, or even make any objections whatever, to the terms of contract made with Virginia? Or were they not agreed to, and their obligatory effect and character acknowledged? Let us refer, Mr. Chairman, for a moment, to the constitution, and see the provisions in relation to the public lands, and all contracts and engagements made by the confederated States under the articles of confederation. In the sixth article of the constitution will be found this express provision, that "all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under the constitution as under the confederation." He said here was a recognition and a positive pledge and assurance that "all contracts and engagements" made under and during the supremacy of the articles of confederation should be binding in their effect, and be complied with. Now, if these acts of cession be "contracts or certain engagements," then there is a constitutional provision which no man should dare to violate, and is unalterable. Was not this a contract, a bargain, between the State of Virginia, then sovereign and owner of this valuable extent of country, in her individual capacity, by which the title passed from her to the United States, entered into in due and solemn form? And by which the United States engaged to appropriate so much as should be found necessary to the extinguishment of the national debt, and that the residue should be a common fund, for the use and benefit of all the States that then were or should become members of the confederation? Most certainly: and, sir, the same stipulations and provisions are incorporated in all the acts of cession, made by the other States, of land to the General Government; and the same rule that would apply to the cession of Virginia, should and will apply with equal force to the cessions of the other States. He said he looked upon the United States in no other light than acting in the capacity of trustee for the sovereign States, in relation to the proceeds of the public lands, since the extinguishment of the public debt; and that she is bound, in the faithful execution of that trust, to distribute the money arising from the sales of those lands among the States upon some equitable principle, and no basis appeared to him more so than that of representation.

And now, the great and grand object for which these cessions were made having been accomplished—the national debt extinguished—the States, by virtue of express and unequivocal stipulations, have the right to claim, and do claim, the residue of money that may arise from the sales of the public lands, to be distributed amongst them, according to the terms of the acts of cession. Sir, in the fourth article of the constitution, there is found the following provision: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Sir, what territory did belong to the United States? How did she acquire her title to that territory? Was it not by a full and complete ratification, on her part, of those acts of cession by which, and by which alone, she acquired the right to one inch of territory? Can the United States, in justice and common honesty, recognise that portion of the acts of cession which is for her own benefit, and nullify that portion which was intended to secure the reserved interest of the States ceding the territory? By this article, it will be clearly seen that full power is vested in Congress to make all needful regulations respecting the public lands, by which is meant Congress shall regulate by law the mode and manner of surveys, sales, perfect titles, fix the prices, and make all necessary arrangements for their conversion into money; and; when converted, the acts of cession point out the uses to which the proceeds shall be applied; and the first provision is that they go to the extinguishment of the public debt, and the balance shall be a common fund, for the use and benefit of all the States, including the State ceding. The latter clause of this article unequivocally provides that "nothing in this constitution shall be so construed as to prejudice any claims of the United States, or any particular State." What claims? Surely her claims upon the ceded territory. And he said he would ask, if the whole of this fund was intended to be used by the United States, as some contend, why insert this provision in the fundamental law of the land, making so manifest a distinction between the claims of the United States and those of the States? If the United States was designed to have all, why say the claim of no particular State should be prejudiced, when speaking alone of the public lands in the constitution? Sir, the intention of the contracting parties is satisfactorily explained by the provisions of this article. The Virginia act of cession having said that the public debt should be first paid—that the residue should constitute a fund for the use and benefit of all the States, conclusively proves that so much of the ceded territory as should be found necessary for the extinguishment of the national debt was absolutely vested in the United States, to which the individual States could affix no claim whatever, or in any wise interfere with. It was a deed in fee. But should the public debt not consume the whole ceded territory, then, and in that case, that balance was to constitute the fund for the benefit of all the States, which the General Government, by her constitution, was forbidden to interfere with or prejudice; she in this respect could only be privileged to execute the trust confided to her, for the benefit of all the States. And she is certainly bound by every honorable and legal principle, in the execution of the trust, to make distribution among the States of all the proceeds of the public lands now in the Treasury, or that may hereafter come into her hands from that source.

Mr. C. said, he would further ask if the United States had acted faithful to the trust in granting to many of the States large quantities of the ceded territory for internal improvements, making roads and canals, opening rivers and creeks, and, upon some occasions, large grants for political effect, to secure votes in presidential contests? Is this acting honestly, and in conformity with the trust she undertook? Was it contemplated that these lands, set apart for the use and benefit of all the States, in due proportion, should be given to a few of them, to the prejudice and exclusion of the rest? Was it intended that any portion of them should be voted away, with a view to secure the vote of a State, or States, in a presidential election? Sir, was it ever intended that they should be used for purposes of bribery and corruption? Or were they really designed for the benefit of the States, for the noble purposes of improving the country, in the construction of roads and canals, opening watercourses, and avenues to market, for the more cheap transportation of the agricultural and manufactured products, and education to all classes of society, from the most affluent to the most humble child in the country? Most certainly the latter looks the most probable. But more of this hereafter.

Mr. C. said there could be adduced in support of the distribution of the surpluses among the States--not only that which has arisen from the sales of the public lands, but the revenue arising from all sources whatever, assuming the broadest ground--the opinions of many of our most distinguished and enlightened statesmen, whose fidelity to the principles of the constitution has never been doubted, and whose patriotism and love of country cannot be questioned.

Sir, the venerable and democratic Jefferson, whilst President, in his message as early as 1806, recommended the distribution of a portion of the then revenue among the States, for internal improvements and education; and his recommendation and convictions of the utility and importance of the policy are expressed so forcibly, that I hope the Clerk will be permitted to read that portion relative to this subject.

Mr. Jefferson, after speaking of the tariff duties, the surpluses in the Treasury, and likely to be, from time to time, also as to the payment of the public debt, as it might fall due, says—(Here the Clerk read as follows:)

"The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when purposes of war shall not call for them? Shall we suppress the imposts, and give that advantage to foreign over domestic manufacturers? On a few articles of more general and necessary use the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves in the use of them. Their patriotism would certainly prefer its continuance, and application to the purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of the federal powers. By these operations, new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties."

This recommendation, said Mr. C., occurred at a much more inauspicious time for distribution than the present, and assumes a much broader ground than the present bill. The bill upon the table only contemplates the distribution of such of the surplus as is derived from the public lands. Mr. Jefferson advised the distribution of all sorts of revenue, from lands, imports, and duties of every kind, and that, too, at a period when the Government was groaning under the burdens of heavy responsibilities, and under circumstances when not even the acts of cession would seem to have warranted a distribution, because the national debt was not then paid, and a division amongst the States was not contemplated or expected until after that debt was discharged.

Mr. C. said, that if it was constitutional and expedient to divide amongst the States the moneys collected from customs and imports, (at a time when heavy debts were hanging over the country,) for purposes of education and internal improvement, and "such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers," in the different States, as proposed by Mr. Jefferson, surely it cannot be urged that Congress has no power now to distribute the sales of the public lands, seeing that the Government debt is fully discharged, and seeing that something of this sort was intended by the terms of the acts of cession, recognised and confirmed by constitutional provisions.

Sir, said Mr. C., this great and patriotic man did not stop short with this single recommendation of this important policy. In his message of 1808 he renews the recommendation, which, he said, he would ask the Clerk to read. The Clerk read as follows:

"The probable accumulation of the surpluses of revenue, beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best."

Mr. C. said he would remind the committee that Mr. Jefferson expresses no doubt of the power of Congress to distribute the public fund amongst the States. And he said he must remark, that in these recommendations that great and patriotic man could have had nothing in view but the good of his country and the happiness of the people. This was his last message to Congress—his last official act as President. He had devoted a long and useful life in the service of his country, and in the cause of liberty; his political career was about to terminate; he had enjoyed the highest offices within the gift of a grateful people; he had nothing further to ask or expect; he desired no further honors; the cup of his glory was filled. He said he had no ambitious designs, no selfish motives, to influence him or misdirect his judgment; the glory and the prosperity of his country were his highest ambition; and under the influence of these sentiments and feelings he makes this recommendation in his message, among the last of his official acts.

Again, said Mr. C., a report of a very intelligent committee (for so he judged them to be from the ability evinced in the report) will be found in the documents of 1826, where a committee was appointed to investigate the subject of distribution of a portion of the surplus revenue among the States. The views taken by that committee are so forcible and conclusive, that I beg leave to have a portion of the report read. The Clerk read as follows:

"The committee, from as careful an examination of the subject as a due attention to their other duties would permit them to make, have come to the conclusion that great advantages would result to the United States from an annual distribution among them, by some equitable ratio, of a portion of our national revenue, for the purposes of education and internal improvement, or for such other purposes as the State Governments may respectively deem most to their advantage.

"Whether the United States shall divide the whole of their revenues, beyond what are required for the usual expenditures of the Government, for domestic and foreign, civil, military, and naval, and to the reduction of our public debt, until the whole of it shall be extinguished; or whether they shall apply a portion of the revenues, as proposed, for the most important purposes, and thereby cause a more gradual reduction of the public debt, resolves itself into a question of expediency.

"It remains for Congress to determine which of these courses will most effectually promote the present, as

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well as the future, prosperity of the country. There can be no doubt that money distributed among the States, as proposed, would be vested in a way to give much greater profit than the interest on such money would yield at three, four and a half, or even five per cent., which are now the interests paid on the greater part of our public debt.

"As a large portion of this debt is payable to persons in Europe, to discharge it as fast as our means would permit would be to send from the country, sooner than necessary, funds that are wanted at home, the inconvenience of which would be sensibly felt in the present embarrassed state of our moneyed market, and most probably for several years to come.

"Money distributed as proposed would give new activity to industry and enterprise in all the States, and that equally and simultaneously.

"It would create a vigilance on the part of the State Governments over the expenditures of the General Government, and thereby prevent the waste of money, and the adoption of extravagant measures that might diminish the amount of the annual dividends.

"It would secure impartial justice to all the States in the distribution of the expenditures of our Government, of our revenue, a failure of which at present is a subject of loud and just complaint.

"It would relieve the General Government of the serious inconvenience of an overflowing Treasury, which, if not provided for in the manner proposed, or by a reduction in our revenue, will impair the most important principles of our constitution.

"It would relieve the two Houses of Congress of a large portion of legislation, now devoted to the disposal of our surplus funds—legislation of the worst kind, calculated to produce combinations, sectional feelings, injustice, and waste of public treasure.

"It would transfer to the States the regulation of expenditures for internal improvements by roads and canals, which, if retained and exercised by the General Government, contrary, as is believed by many, to the letter and spirit of our constitution, will in time so far decrease the powers of the State Governments as to destroy the federation principle of our Union, and convert our system of confederated republics into a consolidated Government.

"It would remove the cause of the great and increasing difficulties arising from an objection, on constitutional grounds, to the exercise of the right claimed by the United States, of making roads and canals through the different States of the Union.

"It would enable the General Government to keep in operation an effective system of finance and revenue, with advantage to the States. And should the exigencies of the country require the application of all our means to some object connected with our national peace and prosperity, those means could be soon brought into operation, by suspending, for a time, the dividends to the States. By this our Treasury would be filled without resort to new taxes, which might be oppressive to agriculture, and which might create much inconvenience by interrupting the pursuits and industry of our citizens.

"Money collected from the sources which now give us our revenues, and distributed among the States as proposed, would produce a rapid and profitable circulation of our funds from the centre to the extremities of our Union, and thus add to the force of the moneyed capital of the country."

Let it be remembered, sir, that a majority of this committee were the friends of General Jackson, and all agreed to a distribution; and the arguments and reasoning in this report, in favor of distribution, are cogent, and go far to convince the mind of the expediency and constitutionality of the policy; and made at a time when we owed a large public debt, running upon interest. Mr. C. said he could not conceive how it was possible for the United States, in 1825, to entertain an idea favorable to distribution, under the then depressed state of the finances of the country—revenue but nominal compared to its present amount, with a heavy national debt hanging over it, all bearing interest; and that the most enlightened politicians should have recommended and advised a distribution; and that now, when the condition of the country is more prosperous than any ever was known to be; out of debt—with no embarrassment—with between forty and fifty millions of dollars more in the Treasury than can possibly be used with advantage to the country—lying at great risk and hazard in the rotten and unsafe pet banks, used for all sorts of purposes—speculations of every description based upon it—shaving shops carried on and sustained upon it—yielding no interest to the Government. Yet, notwithstanding all this, the dominant politicians of the present day, the politicians of the party in power, cannot agree that this surplus, that the Government can have no good use for, shall be given to the States to whom it belongs. All this, said Mr. C., argued conclusively that all was not right; and the people, he hoped, would find it out and apply the antidote, the corrective. Sir, said Mr. C., the people will not endure these frauds and impositions that are daily and hourly practised upon them. Sir, if the Government shall, in the very face of her "engagements" with the States, and in defiance of the constitution, withhold these rights and benefits from them, by refusing to yield that portion of the surplus produced by the sales of the public lands, it will be a manifestation of injustice, cruelty, and oppression, unworthy the high character of the American Government.

He would have read the report of the committee of the House in 1829, by the Clerk. The Clerk read as follows:

"It appears to your committee that the time has arrived when the community should be awakened to their rights; when measures should be adopted in the national councils, to give the States a direct interest in the income arising from the sales of the public lands. This individual measure would at once check further concessions, and effectually prevent the selfish from availing themselves of the advantage presented by some great crisis in public affairs, to obtain propitiatory concessions from rival parties, deeply injurious to the general interest.

"The committee cannot devise a surer guard to the purity of legislation, with respect to the public lands, nor an application of their value more just and equitable, as regards the interest of all the States, than by recommending for consideration the policy of directing, by law, that the proceeds of all sales of the public lands, after deducting expenses, should be distributed to the several States, in the ratio of their population, as ascertained at the usual periods of taking the census.

"This policy would, undoubtedly, always influence a majority of Congress; because only the members from a State about to receive a cession would venture to make such gift, when the evident consequence would be the diminution of the direct revenue of the States represented by the rest.

"This measure would likewise interest the States in the adoption of a system of rigid economy, as relates to the expenditures of the land offices; and no private or other claim would be sanctioned, but as their justice might be clearly established. It must then be evident that unless the United States create rivals in her own land market by further concessions or donations, (the holders of which would, of course, occupy the market by selling low what had cost them nothing,) there must be a sure, and, hereafter, an annually increasing demand for the public land, and consequently an increasing amount of cash will be received for national purposes, or for the proposed distribution, and which, in all probability, will average three millions yearly for the next ten years; an amount which can be most beneficially applied in well-regulated systems of education, in constructing roads, bridges, canals, and such other useful works as may be deemed advisable by the respective States."

This committee was composed of administration members—some now in Congress—voting then for a distribution, when the Government owed, perhaps, a hundred millions of dollars—and now casting a summerset, and voting against the measure when the Government is out of debt, and the coffers of the Treasury are groaning under the weight of a large excess. He said he would warn gentlemen to pause and reflect seriously before they made the awful plunge that must be disastrous to the country.

Mr. C. said he would refer to the message of General Jackson in 1829, which he would send to the Clerk, with a request that he would read that portion of it relating to this subject. The Clerk then read the following:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be necessary for its current services. As, then, the period approaches when the application of revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided, considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by improvement of inland navigation, and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while, by others, it has been avowed as inexpedient."

"All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation. And should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it.

"I regard an appeal to the source of power, in cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations; upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions."

Sir, said Mr. C., the language used by the President in this recommendation needs no comment; it speaks for itself; and does, in a plain and most forcible manner, show the justice, utility, importance, and the necessity, of a distribution of the surplus of the Treasury among the States. The President expresses, in this able document, no doubt as to the convictions of his own mind of the expediency or the constitutional power of Congress to make distributions. Hence the President, he presumed, would now make no constitutional scruples upon the subject; but if the details of the bill that may be passed by Congress should meet his views in other respects, no doubt it will meet his sanction and approbation. It is, however, incumbent on Congress to discharge their duty faithfully and honestly toward the country and their constituents, in the adoption of such measures as they may think will redound to the honor and the advancement of the best interests of the nation; and then it devolves upon the Executive, in the discharge of the high and important trusts confided in him, in like manner to make his decisions.

Mr. C. said, although he had promised to refer to no further authority in support of this policy, yet he hoped he would be pardoned for requesting to be read a short paragraph or two of the report of Mr. McLane, who was then Secretary of the Treasury under General Jackson, made to Congress in 1831; which the Clerk read, as follows:

"The sources from which the revenue has hitherto been derived, are the imports, public lands, and bank dividends. With the sales of the bank stock the latter will cease; and as the imports, according to any scale of duties which it will be expedient and practicable to adopt, will be amply sufficient to meet all the expenditures, that portion of the revenue heretofore drawn from the sale of the public lands may be dispensed with, should Congress see fit to do so.

"On this point, the undersigned deems it proper to observe, that the creation of numerous States throughout the Western country, now forming a most important part of the Union, and the relative powers claimed and exercised by Congress and the respective States over the public lands, having been gradually accumulating causes of inquietude and difficulty, if not of complaint, it may well deserve consideration, therefore, whether, at a period demanding an amicable and permanent adjustment of the various subjects which now agitate the public mind, these may not be advantageously disposed of, in common with the others, and upon principles just and satisfactory to all parts of the Union.

"It must be admitted that the public lands were ceded by the States, or subsequently acquired by the United States, for the common benefit; and that each State has an interest in their proceeds, of which it cannot justly be deprived. Over this part of the public property, the powers of the General Government have been uniformly supposed to have a peculiarly extensive scope, and have been construed to authorize their application to purposes of education and improvement, to which other branches of revenue were not deemed applicable. It is not practicable to keep the public lands out of the market, and the present mode of disposing of them is not the most profitable, either to the General Government or to the States, and must be expected, when the proceeds shall be no longer required for the public debt, to give rise to new and more serious objections. Under these circumstances, it is submitted to the wisdom of Congress to decide upon the propriety of disposing of all the public lands, in the aggregate, to those States within whose territorial limits they lie, at a fair price, to be settled in such manner as might be satisfactory to all. The aggregate price of the whole may then be apportioned among the several States of the Union, according to such equitable ratio as may be consistent with the objects of the original cession, and the proportion of each paid."

It appears clearly that this enlightened statesman at once recognised the right of the States, after the extinguishment of the public debt, to the residue of the sales of the public lands; and draws an obvious distinction between the revenue derived from the sales of these lands, and that raised from other sources; and admits the obligatory force of the reserving clause used in the acts of cession. Sir, said Mr. C., there cannot be a remaining doubt of the power of Congress over this fund; and by the terms of the contract between the General Government and the States, as evidenced and expressed by the acts themselves, connected with the provisions of the constitution in relation to the public lands, and recognition of all contracts and engagements made under the articles of confederation, prove obviously and incontestably that the power is not only possessed, but that Government is bound, by the most solemn obligations and duty, to surrender to the States the surpluses of the sales of those lands now in the Treasury, and any amount that may hereafter be derived. Sir, it cannot be otherwise.

Mr. C. said, believing he had shown, beyond doubt, the power of Congress to divide, and that it was expedient and proper to do so, he would leave this branch of the subject, and before he took his seat would show that there would be a large surplus in the Treasury that the Government could not use, otherwise than by distribution. He would also attempt to show the inequality and the great injustice that had been done some of the States in the disbursement of public money.

The revenue collected in 1835, by the tariff duties and sales of the public lands, was upwards of thirty-four and a half millions of dollars. By the estimates of the Secretary of the Treasury, (Mr. Woodbury,) for the year 1836, the revenue from the same sources is calculated at upwards of nineteen millions; which will be found to fall far short of the real amount, which he proposed to show. The returns received for the first quarter of the present year are considerably upwards of eleven millions, actually collected and paid into the Treasury; and but for the law passed this session, (without my consent,) loaning about five millions to citizens of New York, there would have been paid in the first three months of this year sixteen millions of dollars, within three and a half millions of the Secretary's estimate for the whole year. Thus it will appear that the whole amount collected last year, and in the first quarter of the present, is forty-six millions of dollars; and, but for the New York loan, would have been fifty-one millions. And should the last three quarters of this year produce equal to the first, there will be in the Treasury at the end of this year thirty-three millions more, to be added to the above forty-six millions now on hand; making, in all, seventy-nine millions that will have been collected in two years; add to this the New York loan, and you have eighty-four millions. The charter of the Bank of the United States having expired, in which the Government owns seven millions of stock, the advance upon which may safely be calculated at five hundred thousand dollars, all of which the Government can command at pleasure, added to the above, makes ninety-one and a half millions of dollars. Now, sir, let us calculate the charges upon this amount, and strike the balance.

The Secretary of the Treasury's estimates for the present year, for ordinary and extraordinary appropriations, are twenty-three millions of dollars; which is said to be about eight millions more than is necessary for the ordinary expenditures of the Government for this year. It will be right to add to this, three millions appropriated at the present session for defraying the expenses of the wars now in progress, with the Seminole and Creek tribes of Indians; then add the five millions loaned to the citizens of New York, and then seven millions to carry into effect the treaties recently made with the Cherokees and other tribes of Indians; all of which give you the sum of thirty-eight millions of dollars. This sum deducted from the amount collected of ninety-one millions and a half, (before shown to be in the Treasury, or will be at the end of the present year,) leaves a balance of cash on hand of fifty-three and a half millions of dollars, to be distributed among the States, by the provisions of this bill, or the greater part of it. But, (said Mr. C.,) suppose the last three quarters of this year fail to produce revenue proportionably to the first, as before estimated, let us deduct one million of dollars for each quarter, for any supposed deficiency, and still you will have remaining fifty millions and a half at the end of the year, after paying all the expenses and charges upon the Government, up to the end of the present year. It will be recollected that the charges upon the Treasury for 1835 were paid out of the revenue collected in 1834, of which there remained in the Treasury several millions of dollars, after meeting all Government engagements for that year, which is not now taken into the calculation. Now, sir, it is shown by the receipts reported to this House, by the proper authorities, contrasted with the charges upon the Government for the present year, that there will be at the end of this year fifty and a half millions of dollars of surplus, unless it shall turn out that it has been confiscated and squandered by the deposite banks. Sir, it has been charged upon this floor by an honorable member from Virginia, [Mr. WISE,] that in all probability the public money in these banks is not only unsafe, because of the improvident management of those institutions, but that the whole fund is under the control of a certain Mr. R. M. Whitney, who is not only suspected for the want of integrity, but has been actually convicted of the highest crimes known to the laws of the country. And, sir, this House has been repeatedly asked to appoint a select committee, with power to send for witnesses and papers, and to investigate the espionage, peculations, and frauds, charged to be in constant practice by those charged with the safe keeping of it; and, sir, the ruling party has as often refused. How will gentlemen account for these unprecedented movements to the people? Can there be any acceptable apology offered? What, sir, when you are assured that forty or fifty millions of dollars—collected from the hard earnings of the people; from your constituents and mine, in their due proportion—have fallen into the hands of dishonest men; men without principle; used for dishonest purposes by individuals and speculating shaving companies; and that all is in great danger of being lost; and that by the appointment of a committee with these powers, these peculations and abuses might, perhaps, be corrected; how can honest and honorable representatives of the people refuse to order an investigation? Sir, these are alarming omens of the depravity of the servants of the people; and I pray God they may understand it and apply the corrective lash. The party now in the ascendant in this House owe something to the President and his friends upon this subject. He, upon his own responsibility, removed the public money from the Bank of the United States, and placed it in the present repositories, and his friends sustained him; and should the party now seeking to come into power, and assume the reins of Government, so manage as to lose or waste this treasure, may it not be the means of bringing censure upon the Executive and those who went with him upon that subject? But to return to the subject. Sir, the question now arises, what shall be done with this surplus? Shall it be appropriated in the lump, as proposed in the Senate, (by

Mr. Benton,) for useless fortifications on the seacoast? or shall it not be divided among the States, for the improvement of the country and for education? Sir, I am opposed to the first proposition, as before stated; and believe the latter policy will be productive of more good to the country than to dispose of it in any other manner whatever. It will, sir, produce a new and most interesting era in our history. It will put it in the power of the States to construct facilities of intercourse, and promote trade between each other, and thereby strengthen the bonds of alliance, friendship, and identity of interest, between the citizens of the different States, that will bid defiance to disunion or dissolution of the confederacy.

Sir, said Mr. C., one prominent advantage in distributing the surplus revenue, is, that it will destroy the vast inequality which now exists by these partial appropriations and expenditures of the public money, and send its blessings to different sections of the country by an equitable division.

In obtaining bounty from the Treasury there are a few favored sections which claim great and unequal boons from the Government, for reasons of their importance, which importance is constantly magnified by these very boons themselves. For instance, you have extended to New York a loan for several years of five millions of dollars; you have appropriated nine hundred thousand dollars in part pay for the erection of a magnificent marble custom-house, that will cost three millions of dollars—all because of her commerce, which commerce has been greatly augmented by the expenditure of the public money. Sir, when will East Tennessee get as many thousands for internal improvements, as you have just voted to New York millions, if the money lies in the Treasury, for the exclusive benefit of Eastern merchants, stockjobbers, and violent and thorough-going partisans? But if distributed, that portion that would be allotted to that rich but neglected portion of the land would be as a refreshing dew to a soil suffering by a long-continued drought. Sir, Tennessee has memorialized Congress, from time to time, on the subject of some improvements that she considered national in character—that would promote the military operations and defences of the country—and which would be productive of commercial benefits to her citizens, and those of the surrounding States, in the transportation of their produce to market upon better terms than the ordinary mode in wagons by horse power. And how have her prayers been treated? Was she recognised as a sovereign State, entitled to equal benefits in the distribution of the bounties of the Government? No, sir; her petitions have been passed over unrespected, laid upon your table to sleep the sleep of death; and she required to depart from your bar without a dollar. In 1823, the Legislature of Tennessee asked Congress to make an appropriation to connect Hiwassee, a river that empties into the Holston, with the Coosa of South Alabama, by a canal, only a distance of nine or ten miles, through a perfect plane; representing it as highly important in military or war operations, because it effected a water communication from the most interior with the seaboard at Mobile, by which the products of the eastern part of that State, munitions of war, and troops, could be transported by water to the most vulnerable part of the Southern frontier.

Sir, in the last war many lives were lost among the troops marched from East Tennessee, by forced marches, to this frontier, from fatigue and hunger. Sir, you were memorialized in 1829 upon the same subject; and that communication he had referred to the committee at the beginning of this session, under a hope of having a favorable report upon it; but hopes were fallacious; it seemed as if they did not intend to act upon it; and he said he must be permitted to enter his solemn protest against such delays in the execution of our duties towards the applications of the people. He said he was at a loss to know the cause of the delay in reporting upon this memorial. There is another improvement that Congress has been often called upon to make—the opening of the Tennessee and Holston rivers up to Kingsport, or near the Virginia line—this would connect with the Coosa canal, and communicate with a region abounding more extensively with iron mineral, stone coal, plaster, salt, and many manufactories of iron, nails, castings, and pig iron, and affording an outlet to the south into the ocean by way of Mobile, and the west by a connexion with the Mississippi, and to the north by the Ohio river. This application has met with no better fate than the other.

Sir, let these improvements be made, and instead of sending your four or five major generals, as has lately been done, to defend the Southern frontier against a few hundred hostile Indians—wheeling their right and left wings, and firing cannon every morning, as if to notify the enemy to get out of the way; that American generals were about—at the expense of millions to your Treasury: make these improvements, and in future call upon the hardy sons of Tennessee, who are always ready and willing to brave the storms of war in defence of their country, to volunteer with the privilege of choosing their own officers; and they will end your little wars, and return home to their farms and families, before your scientific generals will have issued their manifestoes and gone into summer quarters. Sir, your statute book shows that great injustice has been done to the West, and particularly Tennessee and Kentucky, in the distribution of public money. Whilst your Treasury has been made to overflow by exactions, by indirect taxation, and by the sales of the public lands, and every dollar that could be commanded by the toil and sweat of the Southern and Western agriculturists and mechanics were appropriated to meet the Government demands, a return of any portion of that treasure has never occurred, although often asked for. Sir, two hundred thousand dollars would probably effect both these improvements, to which he had alluded, in East Tennessee, and bestow incalculable advantages upon this long-neglected, suffering, and depressed region. Sir, to the North and North-east you have poured out, from the commencement of the Government to this time, almost the whole revenue, for improvements of every description; and the protecting hand of Government to their manufactures has, upon all occasions, been extended, to the great prejudice of the South and West. The West has never complained; she has asked no protective duties to sustain her manufactories; all she does ask is, that the Government shall now enable her to make some improvements in the country, to give her outlets for her products, and place herself more upon an equality with her sister States, and she will be contented. He said he had the honor to offer an amendment, the other day, to a bill proposing an appropriation of a hundred thousand dollars for the improvement of these rivers, and the party opposed it with a vengeance, and then called for and sustained the previous question, to prevent any similar propositions from being offered again. The West will not stand this kind of treatment; she will not agree to be "hewers of wood and drawers of water" always for the North.

Sir, since these questions have been pending, overlooked and neglected, many millions have been given to other States for improvements, not more nor as much national in their character as those in Tennessee. How many hundreds of thousands of dollars have been appropriated to make Conneaut creek, in the State of Ohio, navigable? How much to Ashtabula creek? How much to Cunningham creek, and to as many others of as little magnitude, that cannot be made useful half a dozen miles from their mouths? Sir, if it is constitutional to apply the public money to make navigable these creeks, three or four miles only from their mouths, and affording benefits to none but those who may have received the money expended, how much more constitutional would it be to make navigable the Tennessee and Holston rivers, running up into the interior of a rich, fertile, and extensive manufacturing country, seven or eight hundred miles, affording commercial advantages to a number of the States, and transportation and outlet for millions of produce? There is, sir, no comparison; yet you have applied money to the one, and refused it to the other. Sir, by such operations of the Government, the poor are made to grow poorer and the rich richer. The North and East seem to have been, and continue to be, the favorites. New York is benefited, by the acts passed this session, perhaps ten millions of dollars, Tennessee nothing; the District of Columbia two and a half millions for the Ohio and Chesapeake canal, all the streams of Tennessee nothing. Suppose, instead of bestowing upon the wealthy city of New York nine hundred thousand dollars to build a house, to ornament the city, that is to cost at least three millions of dollars, you had applied the amount to the settlement of the poor upon Western lands of eighty acres to each family—to how many families would you have given comfortable homes? Supposing the house to cost three millions, by laying out that sum in lands, and dividing it into eighty-acre tracts, you would give homes to forty-five thousand poor families, who are now without them, and have not the means to procure them. Now, sir, which policy would advance the interests and happiness of society most—to have erected in the city of New York a stupendous marble custom-house, or to present forty-five thousand poor families with comfortable and independent homes of their own? The Government still owns about eleven hundred and fifty millions of acres of land, yet to be sold; this, at the Government price, will yield fourteen hundred and thirty-seven and a half millions of dollars; which, divided among the States according to population, would give to Tennessee about eighty five millions of dollars; by the use of which she could make all necessary improvements that could be desired, and at the same time establish a literary fund, that would justify a public school in every neighborhood throughout the State, capable of educating every child of the present and future generations, without taxing the parent with a dollar; then the poorer part of society would have an equal chance; and, sir, the fruits would be seen and felt. Instead of youths, born in poverty, passing through life without a smattering of education, unknowing and unknown citizens, they would be educated; and thousands of them become the most brilliant stars in the firmament, filling the highest stations in your Government, with credit to themselves and with honor and usefulness to the country. Sir, these events should be desired by every patriot. The perpetuation of the Government much depends upon the people being enlightened—and this is the way to accomplish that important and desirable result.

Mr. C. said he would trespass but a moment longer upon the patience of the House, being conscious that he had already occupied more time than he had intended; but would only present a couple of tabular statements, the one showing the liberal grants made by Congress of the public lands, the other making a division of the forty millions of surplus among the States according to the provisions of the bill, and he should be done.

Division of forty millions, after deducting ten per cent. for the new States, Michigan and Arkansas not included:

Maine	$1,200,000	Vermont	$750,000
N. Hampshire	750,000	New York	6,000,000
Massachusetts	1,800,000	New Jersey	900,000
Rhode Island	300,000	Pennsylvania	4,200,000
Connecticut	900,000	Delaware	150,000
Maryland	$1,200,000	Ohio	$2,850,000
Virginia	3,150,000	Louisiana	450,000
N. Carolina	1,950,000	Indiana	1,0 0,000
S. Carolina	1,350,000	Mississippi	300,000
Georgia	1,350,000	Illinois	450,000
Kentucky	1,950,000	Alabama	750,000
Tennessee	1,950,000	Missouri	300,000

The following table will show the liberal grants which have been made by Congres to the new States, for internal improvements, education, or charitable institutions:

State or Territory.	Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty-sixth part of public lands appropriated for common schools.	For religious and charitable institutions.	Lands appropriated for seats of Government.	Saline reservations.	Aggregate apppropriations for each State and Territory.
Ohio	922,937	92,800	678,576	43,525	-	-	1,737,838
Indiana	384,728	46,080	556,184	-	2,560	23,040	1,012,592
Illinois	480,000	46,080	977,457	-	2,560	206,128	1,712,225
Missouri	-	46,080	1,086,633	-	2,449	46,080	1,184,248
Mississippi	-	46,080	685,884	-	1,280	-	733,244
Alabama	400,000	46,560	722,196	23,040	1,620	23,040	1,216,450
Louisiana	-	46,080	873,973	-	-	-	920,053
Michigan	-	46,080	543,893	-	10,000	-	599,973
Arkansas	-	46,080	950,258	-	-	-	996,338
Florida	-	46,080	877,484	23,040	1,120	-	947,724
Aggregate	2,187,665	508,000	7,982,538	89,605	21,589	298,288	11,057,685

When Mr. Carter had concluded,

Mr. INGERSOLL took the floor, but gave away for a motion, made by Mr. Graves, that the committee rise; which was decided in the negative: Ayes 25, noes 103.

Mr. INGERSOLL then rose and spoke as follows:

If I were to consult my own inclination alone, I would cheerfully yield the floor, which has been awarded to me. The gentleman from Vermont, [Mr. Hall,] who claims it with me, may rest assured that no one could have been better satisfied if he had chanced to gain the precedence, than myself. But, being in the lists, I am bound to fight the battle of my constituents, at the hazard even of abusing the almost exhausted patience of the committee, and of disappointing or delaying those who hear me in the enjoyment which they have a right to expect, when I shall have finished the few remarks I have to make. After the several subjects of general interest involved in the discussion have been debated by so many gentlemen, and so much at length, I could scarcely hope, under any circumstances, to add materially to the stock of argument which has been accumulated. But, after a fatiguing session of many hours, I shall receive especial credit for the assurance that I rise with much reluctance to occupy even a small portion of the time which is still allotted to the present debate. Its hours, I know, are numbered; and the sun, which is now going down in clouds, will not rise again until the labors of this committee shall have closed.

Different measures are almost immediately before us, which are perpetually struggling for precedence; they are in appearance altogether dissimilar. A stranger, on a cursory, or even a careful examination, would scarcely detect any points of resemblance between them. Yet they are, in truth, closely, and, perhaps, inseparably united; dependent so far upon each other, that the result of any one of them cannot fail seriously to affect the rest; constituting, as they do, only parts of one comprehensive system, upon the due workings of which, in its entire and perfect character, may depend the wholesome and vigorous condition of the whole body politic. A distribution of revenue among the States cannot be made, no matter how desirable it may be, unless the necessary wants of the Government are first supplied. The extent of funds which shall be applied by law to particular objects must depend not only upon their own intrinsic merits, but upon a comparison of the urgency and importance of them with others of a national character; and, when these points are settled, it may be essentially increased or diminished by the ability which exists to make a due and useful expenditure of them during the present year. In determining, also, either upon distribution or expenditure, it becomes a serious duty to inquire whether the requisite funds for either object are, in their nominal amount, ready at the call of the Government. Are they husbanded and improved with the care of the good and faithful servant? Or, like the talent committed to the foolish servant, are they buried in useless inactivity? Or, still more inexcusably, are they, like trusts betrayed by false stewards, perverted and abused to corrupt and wicked purposes?

The bill immediately before us is to appropriate funds for fortifications. But it is impossible, in the most faithful attention to it, to lose sight of the proposal to divide among the States the proceeds of the public lands, or even the incidental question of a reference of that momentous subject, and to which committee it properly belongs. As much out of course would it be to separate from this direct inquiry the resolutions which have been introduced to permit a scrutiny into the state of the public funds; the security or peril in which they stand; the arrangements which have been made in adopting particular depositories; the inducements for such selections; and all the mysterious circumstances by which they are surrounded.

When any one of these cardinal measures has been formally before the House, it has been made the basis of broader discussion than its own mere provisions would seem absolutely to require. If the discussion has not extended beyond the various merits of them all, co-incidents of each other, as I have stated them to be, it has done no more than fulfil its correct and lawful office. Were it confined to narrower limits, it would be restricted far within the range of useful, and, perhaps, of necessary argument.

The subject which claims and deserves chief attention is awaiting its disposition here only in preliminary; it has passed the ordeal of the other branch of the Legislature, and is before this House on the several propositions of reference. It proposes to divide the proceeds of the public lands among the several States, according to the ratio of representation, with the paternal and patriotic object of promoting internal improvement and general education. In giving it shape and direction, it should seem to be fair that its friends should exercise peculiar influence. Their objects are early consideration, and an opportunity, if it deserve it, for successful action. They ask no more. When it is matured, (and such they believe to be its present condition,) it must stand or fall according to its own merits; but they beseech you not to mar or maim it in its progress. Who is there, really its friend, that desires a reference to one of the standing committees of the House? Who, that it is opposed to it, will consent to its receiving at once the free discussion of a Committee of the Whole? A reference to the Committee of Ways and Means would insure an unfavorable report, or consign it to lasting oblivion. This inference is drawn, not, of course, from any thing that has occurred in the committee, but from the distinct avowal, on this floor, of the gentleman at the head of it—an avowal made, not as chairman, but merely in his individual character. If it be regarded as a party measure, such a reference would be an unfortunate one, although it would receive cordial (if feeble) support even there. Speaking for myself alone, and promising it, at all times, hearty and sincere, though unimportant assistance, I will say that a measure of deeper interest to the country—one better calculated to promote the true ends of government and law—the prosperity and happiness of the people—is not upon your calendar. It would be difficult to imbody in any single proposition a larger or more prolific promise of present and of future good; a plan, purer in its conception, liable to fewer exceptions in its exercise and use, or more widely diffusive of blessings and benefits throughout the land. If the hostility of the gentleman from New York [Mr. Cambreleng] be of the character which he is supposed to have proclaimed, we should differ as widely as the branches of the alternative which his argument has presented. It was an alternative of peace or war. All the purposes of the proposed measure are pacific and prosperous; it contemplates and will promote universal happiness and peace—happiness, founded upon the utmost improvement and most complete development of the resources of nature and of art, and upon the wide-spread diffusion of them over every part of this extended republic, so that not an inch of ground shall escape their influence; founded, too, upon a moral elevation of the people, which cannot fail to be the consequence of enlightening their understandings and purifying their hearts. Peace, secured and rendered permanent by the power which these multiplied improvements will contribute to establish and confirm; and that power itself regulated and governed by a wisdom which universal education is calculated almost inevitably to inspire. An opposite system—the preferred system of the enemies of the measure—that which the gentleman deems an evil incomparably less than a distribution of the revenue, is a scheme of universal wretchedness: it denies to the husbandman the product of his land; to the manufacturer the use of his loom; it forbids tranquillity to the intercourse of social life, and may imbitter the purest cup of domestic bliss: it fills the truest heart with angry passions, and converts the smiling fields of plenty into a desert waste: "havoc, and spoil and ruin are its game."

A succession of statements has been exhibited from the Treasury, showing the actual amount of public moneys deposited, and, in some instances at least, the manner in which they are disposed of or employed. Beyond these points, the periodical reports are altogether unsatisfactory. It is impossible that they should be otherwise. They prove, at least, (if they exhibit nothing more,) that while the Government, in not one of its various interests, is deriving any sort of benefit from the peculiar and embarrassing arrangement; that while favoritism may flourish, speculation grow rich, and patronage, in a long line of subordinate dependencies, may indulge its power and its pride, not an effort is made to wield the mighty enginery for the good of the people, or, so far as we know, to prevent the exercise of enormous and overgrown corruption. I do not speak of corruption as applied to the Government in any of its branches. It is not necessary that it should be engendered there, to prove the bad effects of the pernicious system. But the crop of evil consciences that may spring up under the influence of nearly forty millions now scattered broadcast through the land, and swelling in rapid accumulation into I know not how many millions more; the nature and the means of applying these corrupting objects to weak or venal minds, may become a scandal to the republic, although its rulers may be innocent of all active agency, and even ignorant of the fact itself.

In the estimate or enumeration of sources from which the funds have been derived, a distinction is drawn between the deposites of the Treasurer of the United States and those of other officers. If, by this, it be intended to express any thing more than an accidental derivation of them as to place or person, it is a distinction without a difference, against which I would anxiously protest. It is an error replete with mischief to suppose that moneys in the hands of subordinate or accounting officers are not moneys already belonging, in every useful sense, to the Treasury of the United States. It may not be very material here, but I take the liberty to notice it as not an uncommon error. The mistake arises from the want of due discrimination between the Treasury of the United States and the Treasury Department, as an arm or organ of the Government. Certain rules are adopted for the purpose of bringing under the immediate view and efficient control of the proper Department a portion—composing, indeed, nearly the whole of the finances of the Government, but still only a portion of them. The remainder, comparatively small as it is, is expended before it reaches the Department, in certain salaries and minor incidents of office, and by the collectors of the customs largely in the payment of debentures. The mass is then brought into the great depository of the nation by a machinery which is rendered somewhat complicated by the extent of the country and the number of agents employed, but which rests upon principles as simple as the elements of mathematical science. None of it—not a farthing—whether in the hands of the agents, or paid over by them, can be expended without an appropriation by law. The only difference is, that the lawful expenditures of the agents are made under previous appropriations, without a warrant from the Secretary of the Treasury; whereas the moneys which are properly the subject of such warrant are those which have been accounted for by the receivers as the surplus in their hands, and are drawn for in consequence of appropriations subsequently made. Both are alike public moneys. Both are within the clause of the constitution which speaks of "appropriations made by law," but says nothing of a warrant; and both are therefore in the Treasury. I ask if a farthing of the money in a collector's hands could be disbursed, or employed, or used in any way, except as the law directs? Why not? Simply because the constitution has forbidden it. But the constitution has forbidden no such use, employment, or disbursement, except as to money in the Treasury. It prohibits the drawing of it only "from the Treasury." Then the term "Treasury," (which is used, I believe, but once in the constitution,) applies to all funds belonging to the Government—to funds in the possession of the first receiver or elsewhere. The Treasury is not this or that particular place of deposite. It is not merely a stationary or locomotive strong box, in which the gold and silver of the nation is secured. It is not the vaults of a bank or the coffers of a capitalist. It is the present fixed right of immediate enjoyment vested in the Government, which, without precise locality or prolonged duration of movement, becomes perfect in the Government the moment the fund has ceased to belong to the individual by whom it is paid. It recognises no intermediate stage of fiscal existence—no probationary or expiative purgatory. It admits no compromise of principle which would lead to an indulgence in flagrant abuses. All the revenues of the Government might be perverted to the sordid purposes of the particular officer, who might become a trading usurer to the amount of millions; or, which would be still worse, they might be abused to the corrupt and venal purposes of a profligate ascendency, whenever such a one shall exist, and be base enough to avail itself of the opportunity: for all the resources of the nation must, in succession, pass through this dangerous channel. The extent of profligacy might become as unlimited as the temptation to a weak or vicious mind would be irresistible. No, sir; there is no sound distinction between moneys derived from the Treasurer and those derived from other officers. The receivers of public moneys may settle their accounts periodically or otherwise, as you will; its payment over, or absolute appropriation, without stop or period to the Government, in the proper sense of the word appropriation, must be a rule without any exception, or the purity of the republic is the shadow of a name.

That the subject of the augmented revenue requires legislation, is admitted by the bill on your table which purports to regulate the deposite banks. That it requires early legislation, will not be denied by those who have earnestly made that bill a candidate for early favor and consideration. Insufficient as it must be regarded for its professed purposes; coming into the House with all its imperfections on its head; it must, sooner or later, be taken up for consideration, and must then be supplied with its necessary improvements, (if it be susceptible of them,) in the course of its passage; or, possibly, it may be borne along in triumph on the car of the previous question, which alike silences all opposition and buries all amendments.

That the vast accumulation of money is an evil, will not gravely be contested, if the fact itself cannot be disproved. It has resolved the doubt of Tacitus whether the gods in anger or in favor deny us wealth: "*Argentum et aurum propitii aut irati Dii negaverint, dubito.*" It was said long ago, (and history and experience confirm the truth of the remark,) that those countries are seldom wise or prosperous in which the precious metals are abundantly produced. The sage policy of the republic of Switzerland prohibited the owners to explore the mines with which some of their mountains are said to abound. A purer and a richer tribute was produced by the hand of industry, prompted to exertion by the spirit of liberty which guided the ploughshare through their rugged precipices, and reaped the harvest on their almost barren sides. Wealth may be to nations, as we have the highest authority for believing it is sometimes to individuals, a curse.

The great difficulty in the whole scheme, and in its shining and delusive results, is, that it is a mystery—an experimental mystery. It is a mystery, perhaps, to the Government, and certainly to the people. It hangs like a dark cloud over the destinies of the nation, imbittering its enjoyments and darkening its hopes. It is not an answer to this unquestionable fact, that the evils under which the people suffer are the result of a panic, which time and cool reflection will dispel. They are not less real on that account. Mankind is always influenced, to a greater or less degree, by something besides the sober reality. Panic may be itself the result of unnecessary or misjudging apprehension; but the consequences of it are any thing but imaginary and insignificant. The gorgon's head was more fatal than the sword. Panic has been the prolific source of enormous mischief from the time at least when the host of Syria was overwhelmed before Samaria by the fancied noise of the horsemen and the chariots of Israel. At this very moment there exists, certainly in the Atlantic cities, and probably in the interior of the country, an almost unprecedented degree of pecuniary pressure, accompanied by an exaggerated state of prices both for real estate and the various conveniences of life. Labor is high, and yet money is scarce. An unnatural state of things like this can proceed only from extraordinary and unnatural causes. Capitalists stand aghast, and close their hands in fear. Speculation usurps the place of well-regulated business, the ordinary channels of which are injuriously disturbed.

To prevent the continuance and recurrence of these evils, early, and, it should seem, permanent provision is necessary. An excess of revenue will, in all probability, exist in future; and it is unwise to apply only a temporary relief to a mischief so enduring. Upwards of three hundred millions of acres of unappropriated lands are estimated still to exist within the States and Territories. There are seven hundred millions more beyond the Mississippi and Missouri. Many hundred years must elapse before emigration will convert into the abodes of civilized man a thousand millions of acres of almost interminable solitudes. With the most lavish and wasteful expenditures of the Government in all its branches; with a departure at once from both of the characteristic marks of the reign of Queen Elizabeth—economy and vigor—it is scarcely possible that the ordinary resources of the nation should not exceed its ordinary wants and expenditures, leaving the proceeds of the public lands to distinct and specific appropriation. What a curious comparison is exhibited between the expenses of the present day and those of 1789, when, in times of primitive simplicity, a little more than six hundred thousand dollars covered all the disbursements of the country—a sum less than three fourths of the present expenditures of Congress alone.

Notwithstanding the urgent calls for distribution, we are constantly informed that the idea of a surplus revenue is delusive—that means enough are before us to absorb the prodigious mass. Where, and what are they? While estimate after estimate has been produced and proved in every way to show how erroneous is this suggestion, not a counter calculation is exhibited, and the argument is contented to rest upon vague surmise and indefinite and sickly anticipation. The evidence of every sense is to be distrusted for the sake of a partisan theory. Faith was said of old to be able to remove mountains; but it is now magnified into an energy sufficient to disprove their actual and obvious existence. There is the mass of evil almost before your eyes, swelling in amount and mischief every hour. You are unable to reduce it, in fact, or by any probable or plausible conjecture. I will not go over calculations which have been repeated many times. I adopt, with entire confidence, those presented yesterday by the gentleman from Massachusetts, [Mr. Cushing,] in what he was content to call a mere business speech, but which gave to business all the attractiveness of pleasure. The estimates exhibited by him were liberal in the extreme; yet they leave an excess beyond the proposed distribution and threatened expenditure combined. What is the consequence? Why, that the sturdiest enemies of distribution are unable or unwilling to bring their creed to the test of arithmetic: they substitute prophecy for calculation; they prefer conjecture to reality; they do not venture to say that there is not, but that there will not be, a fund for division. When pressed to put down the items that will absorb the mass, they fly to items of fancy, which can scarcely be made the subjects of argument. They are compelled to infuse a large ingredient of very remote surmise even into their vague and improbable predictions. Passing from things at home, where extravagance, though vast, is not absolutely boundless, they suggest a possible condition abroad. A European war, which, at some uncertain day, may break out and involve the destinies of America in its consuming vortex, or some other phantom, usurps the place of substance and reality. Never did an occasion exist when, in a state of peace, treasures were justly heaped together, and hoarded up to await the bare contingency of future war. Vexatious, and disreputable, and distressing, as the disturbances on the Southwestern frontier undoubtedly are, I cannot agree that, with proper treatment, even now, they are sufficiently formidable to interfere with the principle which I have thus advanced. In free Governments, at least, the rule is settled that measures to sustain warlike expeditions and movements must, in the main, be resorted to whenever the emergency may chance to come. Existing resources must be cherished and improved. But to dry up the fountain, in order that it may reserve its streams for the uses of futurity, would be to leave the present race without enjoyment, and to deprive posterity of hope. Miserable would be the condition of that people who, from a sickly fear of undefined danger—a feeling the most degrading that can curse our nature—should burden themselves with exactions and restraints, should deny themselves suitable expenditures and enjoyments, because a lurid star might happen to glimmer in the imagination of some feeble-minded statesmen. They would resemble only the individual who, in the full possession of robust and vigorous health, but incapable of appreciating or enjoying it, should deny to appetite its necessary food, and minister to a wholesome constitution the nostrums of disease, until he should become the prey of a preposterous and pernicious empiricism.

Loans are resorted to when they are required by necessity. No statesman believes that he can carry on war without them. There is no danger of disappointment in the hope of realizing them, unless the country, in its ordinary course, has been impoverished by withholding from it its natural and proper supplies. Money is the sinews of war, but it is the free-will offering of the open right hand of peace. It is the fertilizing spirit which gives life, and vigor, and activity, to all things; and it cannot be withheld except with the effect of present suffering and future imbecility.

A happier thought than the distribution, at least of the proceeds of the public lands, has seldom been conceived. It reconciles the highest attainable practical good with the strictest construction of the constitution. I should feel no necessity, for myself, to recur to this intermediate agency (if it be such) of the States for distribution. But I know full well that proud and honorable feelings unite with sound and enlightened judgments in requiring it; and the peculiar mode of reaching the object, which is itself free from reasonable objection, is rendered indispensable. If, through such fair and legitimate arrangements, the whole country can be brought to harmonize in one general sense of concurring approbation, how full of benefits and blessings is the proceeding.

When the purposes of the General Government are fully supplied, it is best that its connexion with the disbursement of the public revenues should cease. It is the true policy of the constitution that the National Government should be as seldom as possible seen and felt; that, in all external relations, it should present the formidable aspect of power, and the means of prosperous and successful intercourse with foreign nations; but that at home even the benefits which it sheds upon its own citizens should be experienced as nature receives, and prospers under the influence of, her refreshing dews, while the sources from which they flow are imperceptible. The organization of the Government does not even contemplate a home department, which necessarily exists as a branch of the different European systems. It exhibits in prominent relief a bureau of foreign affairs as a principal agent, resting upon military and naval departments as its pillars. If, when thus unseen in the direct performance of its domestic duties, it can realize all the wished-for results, without threat of danger to the liveliest sensibilities, without a suspicion of usurpation or encroachment; if it can maintain its dignified bearing and successful intercourse with foreign nations, and at the same moment "scatter plenty o'er a smiling land," the system is as brilliant in theory as its practical exercise is felicitous. Were I the warmest personal friend of the President, I would wish him no richer consolation, no happier subject for reflection in the calm evening of his lengthened day, than a belief that his recommendation had been the parent of this most salutary scheme. It would be less perishable than a laurel crown. Were I the warmest of his political adherents, I would cherish it as the brightest ornament of his public career. It would be more ennobling than a hundred victories. A whole country made fair, and cheerful, and prosperous—a whole people educated, enlightened, and refined—are peaceful monuments of enduring strength and grandeur, surpassing those of the triumphal arch erected on the sufferings of thousands of the human family.

Whenever the period has arrived at which distribution can be made without interfering with the paramount necessities of the nation, it can justly be withheld no longer. By the cessions of the several members of the confederation of their lands, the United States became not a mere proprietor, but a trustee. They received the lands in trust, for purposes of general good, for the use and benefit of all the States. How much might be realized from this great trust in the long course of aftertime, or how long its products would be required for purposes merely national, was not foreseen or fancied. It would depend upon many circumstances, and chiefly upon the rapid growth of population and prosperity in the States themselves, which, absorbing the private lands in their own limits, would send forth a host of hardy emigrants as pioneers of the Western wilderness. As long as the products of their purchases were necessary to replenish the general Treasury, they could not be applied to other purposes. They would not be, and they were not, distributed. These other purposes were necessarily postponed for such as were primary and were essential. But when the objects of absolute and preliminary use should be fully satisfied, and the sales of land should yield only an unprofitable and dangerous superfluity; and yet when they could not be intermitted without checking the progress of useful emigration, or be reduced in price without violating pledges of the strongest implication, and plunging into ruin a countless extent of private interests--the ceded lands must return in prolific plenty to the people, for whom they were always designed, and to whose uses, directly or indirectly, they ever have been, and I trust ever will be, sacredly devoted. It matters not what is the practicable shape they may assume. The prosperity of the Union is essential to the well-being of the States. That being secured by an appropriation of all that it requires, the States themselves will receive and dispose of, directly for themselves, the funds which their own grants have created. The trust was not confined to purposes of war or peace. It was not limited by any futile attempts at preternatural anticipation. Its products were to be applied as circumstances, regulated only by our own energies, encouraged by the smiles of Providence, might require. The constitution was wisely confined to the provision of means for creating revenue. It conferred upon the proper department in the distribution of powers--the Legislature—an authority to lay and collect taxes, duties, imposts, and excises; but it provided no rule for the disposition of excessive wealth. In the absence of constitutional provisions, we have been turned by gentlemen to the articles of confederation, as the true interpreter of the grants by the States. The search is, if possible, still more unprofitable there. Why should it not be so? That instrument, as well as its successor, (the constitution,) was the offspring of a representation considerably wider than that of the people from whom the lands were derived. To have permitted it to control the grants themselves, which upon well-established principles can, if they please, alone regulate what they cede, would be illegal and unjust. The objects of the trust must be looked for only in the language and spirit of the grants, and in the fitness and propriety of things. Besides, it would be difficult to conceive how an earlier could be the corollary of a later instrument; how a confederation formed on the 9th of July, 1778, could be designed as the commentary upon a series of cessions to which it was long anterior; the first of them not having taken place until the 1st of March, 1781, and the last until the 24th of April, 1802. As must inevitably be the case, there is not a word in the articles of confederation which bears upon the question, or can be tortured into an exponent of the several grants.

If there be no excuse in positive prohibition; in implied or express devotion to other objects, or in necessary uses for the money elsewhere, (any one of which would be clearly paramount,) what reason can be offered for withholding from the people their obvious and acknowledged right? Who can justify a postponement that would thus become unnatural? With these sources of prosperity at hand, the nation may advance, in the short space of months, to a situation which, under other circumstances, in centuries it might not reach; yet the bright prospect is to be destroyed, and the long-cherished hope of the nation is to be still deferred, while the desired object is almost within its tantalized grasp, and all for the employment of a subtle scruple, or the indulgence of an idle fear.

As it is admitted that the distribution so ardently desired has thus far been postponed to the actual wants of the Government, it is conceded now that these, so far as they are reasonable, shall be first supplied. Look to the fixed objects of appropriation. Throw in the contingencies, ordinary and extraordinary. Let them neither be exaggerated nor stinted. Before you come to the work of expenditure, agree to a division of the surplus that shall remain; and we will cordially unite with you in liberal expenditures, if they are not positively extravagant and unjust.

The appropriation bill for fortifications is a liberal one. It was reported at a time when I am sure there was the strongest disposition to make it so. Speaking as a member of the committee which reported it, I believe there was scarcely any thing within the compass of a richly endowed Treasury, which would consist with other equally important arrangements, that would not cheerfully have been devoted to the necessary defence, and even warlike preparations of the country. If a proposal to inquire into the expediency of increasing the navy was not equally acceptable, it was because it did not embrace a more comprehensive and vigorous plan of general protection; because, by far the larger part of the navy, although in one sense already existing, was yet to be made available, before increase could be properly or usefully applied to it; and because all other defences were fearfully and shamefully defective. The bill now before us was reported on the 29th of December, at a moment when the pacific relations of the country were suspended by a single thread. The supplemental message of the President appeared on the 18th of January, bearing date the 15th of the month, recommending a prohibition of French products, and of the entry of French vessels into our ports. On the 23d of January a bill, precisely such as seemed desirable, was reported by the Committee on Naval Affairs. Its object was not to increase the navy to the extent of a single plank. Such a proposition would have been, during a moment of serious exigency, both useless and impracticable. It proposed merely the appropriation of a sufficient sum (in blank) to complete the vessels building, to repair and equip for sea those in ordinary, and to procure materials for rebuilding those for which partial appropriations had before been made. All of these objects were attainable. The mediation of Great Britain did not reach us until the 8th of February, about a fortnight afterwards. Under such circumstances, and with a pressure so extreme, it might naturally be supposed that the call was at least as large then as it ought to be now. It contemplates, in its original shape, expenditures for its especial objects, amounting to something less than $2,000,000. A corresponding bill, which was passed on the 30th of June, 1834, called for only $870,594. A single amendment has been offered, asking for $700,000 more. The original bill and this amendment combined do not bear any great disproportion to the call in 1834; as it will be borne in mind that, for causes to which personally I am a stranger, there was no appropriation to these objects in 1835. Although, for reasons not exactly similar to those which existed at the end of the year, I would not be indisposed to adopt the items of the bill, and the amendment too, if they can be usefully expended during the current year. They will at least relieve the plethoric Treasury of a portion of its load. I am not at liberty to applaud the skill in strategy which the amendment would have indicated, but for the declaration of the mover of it, that he disbelieves in the existence of a redundant revenue.

For the navy I would go much further. Few can doubt that when this nation disregards its maritime interests, it will forget its truest friend in peace, its most efficient champion in war, its proudest ornament at all times. It will turn aside from the high behests of Heaven, which has commited to it the protection of a coast, the vast extent of which proclaims the guardianship it requires; and a population whose daring qualities fit them especially for the perils of the sea, and whose intense activity never can be satisfied except with the opportunity of penetrating into every corner of the globe. Navy yards, docks, and convenient harbors, are objects of primary importance, as they are the positions in which this favorite limb of our gigantic system can occasionally repose. It is a limb which cannot be touched amiss without making every nerve in the great body itself to thrill, every artery to swell, every pulse to beat in redoubled quickness. The number and position of these navy stations, as they now exist, (except, of course, that of Pensacola,) and the absence of them where they do not, are points of policy much earlier in their origin than that of the present administration. At a period which, in these degenerate and distracted times, we are in the habit of looking back to, historically, as the golden age of the republic, all of them were selected. Even that period of comparative brightness had its cloudy days; and what period of individual or national existence is without them? During the very month when this measure was adopted, the boldest, and, for a time the most unpopular, act of the first administration was taken—that of sending Mr. Jay as envoy to England; and thus preserving, as an efficient navy will be the means of preserving, the happy neutrality of the country.

These events occurred in the time of General Washington, who, though himself a Virginian, and like every other child of that *magna mater virum*, justly proud of his maternity, was as little likely to be influenced by sectional feelings as any of his countrymen. He certainly had no especial predilections for the North, or any disposition to disparage or postpone the Southern portion of his country. Under his auspices, and by his personal direction, as communicated by the Secretary of War, long before a Navy Department existed, the selection was made. After careful re-examination, the selections thus made were confirmed by a succeeding administration, and the positions have been practically approved by every administration which followed, to the present time, including a period of more than forty years. Thus, after deliberate selection and repeated approval, after receiving the sanction of well-tried experience and protracted time, it requires little argument to prove that a change ought not to be made without great deliberation and satisfactory cause. In sustaining them, we are not to be considered as supporting the policy of this administration, or the especial policy of any individual, but that system which is to be regarded as the settled policy of the republic. All the institutions of the country, resting upon a basis broader and deeper still, might as well be identified with the peculiar policy of a particular administration, if its mere and necessary, and it may be reluctant, adoption of them, should make them in any respect its own. We do not embrace the principles or sustain the policy of the administration. If it has adopted and is sustaining ours in any particulars, it is no reason for our abandoning that which, long before the existence of the present administration, became our own.

In the selection of positions for any of the works of national utility, or of protection from the wars of the elements or man, no preference can or ought to be given to one portion of the coast, or country, unless that preference is already pointed out by nature, and circumstances that are beyond control. To submit to the awards of Providence is not to make a preference. It is scarcely to create an equality. You avail yourself of local advantages, or supply local wants, where it is practicable to do so, without interfering with the constitution, or the just and equal distribution of public benefits, wherever they can be bestowed. In a well-regulated system, funds are disbursed where they are required, and where they can be made available; and no proper judgment can expect that, because they have been expended where they are required, they should be thrown away where they are not. If Philadelphia happens to be placed not far from the head of tidewaters of a long and difficult navigation, at the entrance of which into the broad ocean a climate is found, under the auspices of which the ancients would have said the cave of Æolus was dug, more than a million is expended upon a breakwater; yet you still leave the harbor inferior to those of the accessible cities of the North, or of the more genial climate of the South. Upon these nothing would be expended for similar works in order to create a mere equality in theory where there is no practical preference or postponement. Fortifications and other like measures of defence, to prevent and repel encroachments from the ocean or territorial neighbors, are resorted to on the sea-girt or land-encircled borders of the country. A happy exemption from similar perils obviates the call for such provisions for the rising capitals of the interior. Light-houses, and piers, and harbors, and even Indian agencies, and all the muniments of war, and appliances of peaceful preparation, are provided where congruity and the fitness of things require them, but they would be idle and unprofitable expenditures elsewhere.

Several gentlemen, in the course of recent discussions, have placed (I think deservedly) at the head of the list of objects of merited expenditure and regard, our imperfectly constituted navy. Is it not worthy of protection? I am not proclaiming its eulogium. Let its own unvarnished history speak, and interest alone, without borrowing for it a single ray of well-earned glory, will confirm the policy. When the first few ships sailed which still bear their flag with honor into every sea, the beneficial effect upon the commerce of the country, and consequently upon its general prosperity, was immediate and unquestionable. Insurance, at that time extravagantly high, fell at once one half on voyages to China and the East Indies, and to other places in proportion. A committee of this House, reporting on the 17th January, 1799, on that part of the President's message which relates to a naval establishment, estimate the saving on different objects at seven and a half per cent., and the effect is wonderful.

They estimate the exports and imports for one year at	$100,000,000
Vessels employed in foreign trade,	27,126,400
Coasters and fishermen,	7,178,760
	$134,305,160
Of which, seven and a half per cent. saved on the first two items, and one per cent. on the last, amount to	$9,578,517 60
And the annual expense of the existing navy was	2,434,261 10
Making a pecuniary gain of	$7,144,256 50

"Timely disbursements to provide for danger," said General Washington, "frequently prevent much greater disbursements to repel it." A suitable marine was not possessed before the war upon our trade was begun by the two great belligerant nations, who vied with each other not more in their mighty struggles for supremacy than in their ruthless violation of neutral rights. It was well remarked by the Secretary of the Navy, in his communication to a committee of this House, at the close of the year 1798, that if it had been, we should not have lost, by depredations on our trade, four times the sum necessary to create and maintain it during the whole time the war had existed in Europe. He adds, with prophetic spirit: "If we do not profit by experience, and put ourselves in a situation to resent insult and punish aggression, nothing is more likely than that in less than half a dozen years another occasion may be presented for a repetition of the same mortifying observation." The mortifying observation was repeated. It was repeated for more than thirty years absolutely in vain. At the expiration of a still longer period, the nation was on the eve of a war of countless expenditure of blood and treasure, to recover (as was supposed) amends of reprisals for withholding the payment of about one half of the principal sum, for the payment of which a slow promise had at length been wrung. What a world of loss and trouble had been saved by a recourse to early and honorable and glorious prevention!

To meet the objects of the country, actual increase in the number of vessels is not so immediately necessary as a vigorous use of those which already exist in completion or in progress. Put into the water what we are furnished with on paper, and the interest and honor of the nation will not be held lightly in any quarter of the globe. The great Frederick of Prussia once declared that, without a hundred ships of the line, and a hundred thousand sailors, a nation ought not to expose itself upon the ocean. He misjudged. Thirteen ships of the line, all of them of majestic proportions, and most of them of stubborn stuff, one of them, as she is familiarly called, the largest ship in the world; fourteen frigates of the first class, (only three of which are on the ocean, and others of them are unfit for sea service;) two frigates of the second class, and fifteen sloops of war, besides smaller vessels and steamboats, would present, if in condition, a squadron of four-and-forty hearts of oak, of which, when equipped and manned, and bristling with formidable armaments, and spreading their white wings, and boldly careering on the deep, any crowned head in Christendom might well be proud. Hundreds of gallant officers stand straining in the slips, anxious for employment and promotion. Thousands of swelling bosoms are panting for their places, whenever they shall be rendered vacant by the budding honors of those whom they are hoping to succeed.

I say not a word of preparing for war in time of peace; although there is certainly a position which is desirable for every nation, where, in the words of the first President of these United States, it "may choose peace or war, as interest, guided by justice, shall counsel." The true object of every preparation is, the maintenance of an honorable and a prosperous peace. Peace is the natural condition of mankind; it is the condition of true dignity and real usefulness. That nation which will not preserve it while it can must be predisposed, like the ancient Carthaginians, to sacrifice its children to idols. By self-respect, at all times carefully maintained, and a readiness, not ostentatiously exhibited, to enforce respect from others who are disposed to withhold it, it will secure the applause of men and angels.

Among the important measures almost immediately before us, I have adverted to the one of proposed investigation and scrutiny into the condition of the public moneys in the deposite banks. A considerable time ago, inquiries of a different character, and with different objects, were suggested in debate, which were then made the topics of consideration and remark. I am the rather induced to urge the right of such inquiries, because of the authority which was then imputed to the mere suggestions of the heads of particular bureaus. Granting, for the argument's sake, all the ability, experience, diligence, and skill, which were claimed for them, can the existence of all those qualities close the book in which our duties are written, or make the measure of our performance of them full? I join issue with the argument which would create or shift a burden of proof as to the propriety or fallibility of a communication the moment it is made. Were it so, a Secretary would have nothing to do but close his lips to explanations, and the wildest estimates that folly ever framed become irrevocable law, as disproof may be impracticable; because it depends upon the very information that is thus withheld. The condition of this body would resemble the occasional state of the by-gone Parliaments of France, which, in the presence of an absolute monarch, reposing literally on his bed of power, miscalled his "bed of justice," registered his decrees in abject and inevitable submission to his will.

The little experience I have had in legislation informs me that practice is quite at variance with this presumption of infallibility on the part of executive officers, independently of all questions as to their intelligence or worth. Inquiries are made, and explanations are called for, in all instances when the members of committees are not satisfied for themselves. Similar results await similar duties in the House. No where is the *nullius addictus jurare* rule of Horace more applicable than in matters of legislation. Taste may be formed and exercised, partially, at least, by faith; but the true performance of legislative duties is, or ought to be, the consequence of sight alone. Push the suggestion home, and observe to what pernicious consequences, to what false inferences, it will lead. If the sayings of the Departments are binding, their doings ought to be equally infallible. Every thing, past and present, is to be regarded as in a condition of perfect security; all our relations are prosperous, because it is the duty of the Executive to keep them so! At least, concentrating in itself the details of universal agency, placed on an eminence that it may survey the whole surrounding hemisphere, it should mark every rising vapor, perceive every distant cloud, and foretell the coming storm; or leave the nation assured that an unclouded sky extends to the utmost limits of the vast horizon that every where surrounds it. Have the sentinels on the watchtower discharged these duties faithfully? Is the country provided with all it should desire? Has nothing mischievous been done, or nothing good omitted to be done? Has nothing been lost, or put in jeopardy, that vigilance might have guarded against, or precaution saved? On these occasions, when this legislative tribunal sits in solemn judgment to consider the state of the Union, it seems to be usual to look behind us, and around us, and before us, and to gather together all that may gild or tarnish the recollection of the past, or cheer or darken our future destiny. What part, then, of your national preparations, either for peace or war, is in a condition of which you could venture to be proud? Come with me along the whole line of seacoast from Maine to Florida, from the confines of Canada to the debatable limits of Mexico: will the eye of doating confidence itself slumber over the numerous defenceless and dismantled fortifications--the dust and ashes which remain to mark the place where stood at least one feeble tower of defence--the crumbling ruins of I know not how many more? The whole lengthened line is naked and defenceless, either from the want of provision of permanent objects of reliance, or from an omission to supply the relinquishments which time and accident require. All the Southern shore, every inch of it, according to the acknowledgment of the chairman of the Committee of Ways and Means, has been "shamefully neglected" in the article even of navy yards, to say nothing of more important provisions for a time of need. I take for the argument his better knowledge, instead and in preference to my own inferences, founded, it seems, on a fallacious confidence, at least to this extent. I had supposed, in undoubting trust, that suitable stations did not exist in that quarter; that the depth of water was not sufficient; or that some other overruling cause had forbidden the attempt; and not that the providence of God had been shamefully neglected, or that it was disgracefully thwarted by the want of providence of man.

But the stations that exist, are they supplied? Have they men, or have they armaments? Could a salute have been fired if the harbinger of glad tidings had chanced, on a late occasion, to spread his white banner in the view of almost any one of them? I speak not at all of warlike preparations, but of those which become the piping times of peace. It was long since known to the Finance Committee of this House, (although then wisely communicated by the Departmemt almost in sacred confidence, lest mischief might happen from its publication,) that scarcely a gun or a gun-carriage in any of the proper abiding-places, if such things existed at all, was fit for any service, except the very menial service of a by-word and a reproach.

Your naval preparations: are they essentially efficient and mature? I will not repeat the defects in maritime arrangement, with the complaints of which the whole country undoubtedly resounds, from careless contracts, up to the defective (because not understood) discipline which ought to bind together the component parts of this interesting and powerful machine. But your sloops of war: do they maintain the gallant bearing, the proud supremacy in swiftness and in strength, in grace and beauty of proportion, in fitness for all their duties, which were once accorded to them in every sea? Your officers: are they encouraged and kept in heart by becoming selections and employments, that would serve as the reward of merit and the crown of zeal? Are their ardent sensibilities fanned with the hope of seasonable promotion? or are the wisest and the weakest heads suffered alike to grow gray in situations of subordinate rank?

Your public moneys--but I forbear to press the inquiry here. Clouds and darkness rest upon them!

Your Western and Southwestern frontier: has it been guarded against the attacks of murderous savages? Are the properties and the lives of the citizens? and have they been exposed to no unnecessary ravages--to no mischiefs that could have been foreseen and avoided? Have treaties been regarded on our side; and has not the fulfilment of them been unduly exacted upon theirs? It is no longer unknown to any who have chosen to inquire, that intimations of the approaching storm were given again and again, and were as often disregarded. As long ago as March, 1835, from the highest official sources, cautions were communicated against attempts to enforce against the Seminole tribe a doubtful treaty; or, if it should be intended to be enforced, that competent means should be at hand to induce submission, or it would end in the butchery of these poor savages. Every precaution was omitted, and every prediction was verified, except that the expected victims became the ministers of the sacrifice.

These inquiries and suggestions are not made in the way of unnecessary reproach, but with a view to unite in preparing to meet and breast the coming wave which more than threatens to swell and break on our borders, from the Gulf of Mexico, all along perhaps to Lake Superior. Nothing is so contagious as the zeal derived from victory. It is especially so among those with whom success was probably altogether unexpected; and among whom not to be defeated is to overcome.

Depend upon it, there is no error in a popular Government half so fatal, no delusion so bewitching, and yet so likely to betray, as a blind confidence in those who happen for the time to rule. A burden of undoubting faith in the infallibility of a Government, and the necessity of disproving it when the means of so doing are withheld, would resemble the slavery of the victims of that bondage which bound them to a task which was rendered impracticable by the absence of the materials with which it was to be performed.

An honorable gentleman complained the other day that we were hurried into repeated expenditures for hostilities of which no record could be found. The traveller passing over those deserted fields will find a mournful record of blood and ashes: farms destroyed--houses burnt or pillaged—inhabitants driven off or slain. An Indian warfare admits of none of the ordinary records in which are inscribed the causes of the hostilities of civilized man. No warning herald's voice proclaims the intended invasion, which is announced only by the war-whoop that accompanies it. The death-dealing tomahawk is substituted for the herald's spear. The manifesto that proclaims the catalogue of wrongs which are about to be avenged, is written only on the tablets of bleeding human hearts.

These dissters have come upon our borders without being met by competent preparation and successful resistance. Still, in a conflict between placing disbursements in the hands of those whom I did not contribute to elevate to high places, on the one hand, and seeing the country suffer from the want of them on the other, I cannot hesitate. Patronage may he abused for a season, and we may mourn over the abuse of it; but the energies of patriotism will rise above the most untoward temporary influences. These are, it is hoped, but domestic vapors, which the next sun's rays may dissolve or dissipate; while a stain upon the honor or interests of the country may be indelible. In the preparations that are made for continuing peace or contingent war, in all that is hoped for and all that is feared, the lessons of true wisdom and universal experience teach us that we be true to ourselves. Whatever is necessary to protect the citizen, to defend the country—whether the foe prowl in the forest or move upon the deep—must be provided, cost what it may. The fairest claims on foreign Powers, the soundest arguments that can sustain them, are disregarded among nations unless they are backed by strength. "There can be no greater error," says General Washington, "than to expect or calculate upon real favors from nation to nation. 'Tis an illusion which experience must cure, which a just pride ought to discard." It is the happy and sagacious thought of a writer on the military policy of Great Britain, who thinks scarcely less like a statesman than a soldier, that, whatever might have been the case in the golden age, Astræa has never since been acknowledged upon earth, when she has forgotten to bring along with her her sword.

When Mr. Ingersoll had concluded,

Mr. HALL, of Vermont, rose and said he could not reconcile it to his sense of duty to his constituents to remain longer silent in relation to events which were daily passing before him. He would have preferred to submit the very general view which he intended to take of some of the most important measures before Congress, when a bill then on the table from the Senate (the land bill) should come up for discussion; but he had very lately been warned, by some rather ominous votes of the House, that it might be the pleasure of gentlemen to prevent any direct action of the House on that bill, and he had therefore determined to avail himself of the present occasion. He knew it was the desire of gentlemen to take the question that night, and he should condense his remarks in such a manner as to occupy as little of the time of the committee as was practicable.

We have, as I think, (said Mr. H.,) reached a new and extraordinary era in the affairs of this nation. When we came together in December, we were in the midst of an excitement arising out of an apprehended war with France. During the existence of that excitement, when it was supposed by the country that real and imminent danger existed of an almost immediate war with a most powerful foreign nation, we were furnished by the Executive with an estimate of appropriations which would be required for the year. Do you remember, sir, the amount of those requisitions? I will remind you of them. They were as follows:

Ordinary appropriations specifically called for, - - - - - -	$17,515,933
Computation of extraordinary appropriations, to meet all anticipated contingencies, - - - - - -	5,617,707
Making, in the whole, - -	$23,133,640

This, sir, you will observe, was the estimate submitted to us during the existence of our difficulties with France; a war estimate; or, at least, such an estimate as the executive branch of the Government thought it proper to recommend, under the possible, if not probable, contingency of a war with a powerful foreign nation. And a comparison of the amount with former estimates will show that it greatly exceeded those of previous years; and that, upon the principles on which the Government has heretofore acted, it could only be justified by the uncertain and somewhat alarming state of our foreign affairs. Now, sir, all our difficulties are amicably adjusted; the nation is at peace; no foreign war is apprehended; and suddenly, as if by magic, a new warlike watchword is rung in our ears. It is sounded from the Capitol, echoed in the newspapers, sought to be published in the streets, and proclaimed from the housetops. "National defence! national defence!" is the cry; and we, sir, of the minority, who have heretofore been branded as wasteful and extravagant legislators for our votes in favor of reasonable appropriations for fortifications, are now approached by the same gentlemen who lately denounced us, and very gravely asked if we are not in favor of appropriations for the "national defence!" Even the chairman of the Committee of Ways and Means, [Mr. Cambreleng,] who has never been over-liberal in his support of appropriations for fortifications, and whose name, in the journal of the last session, stands recorded in opposition to mine, against an appropriation of sixty-seven thousand dollars, for one of the precise objects for which the present bill, reported by him, contains an appropriation of one hundred and fifty thousand dollars; he, sir, now seems ready to question even the patriotism of any one who hesitates to swallow, without examination, the most Quixotic projects for squandering the public money, under the name of expenditures for the national defence. Sir, this is no cry of patriotism; it is the cry of border interest and of party; and, for one, I shall not respond to it. The conversion of gentlemen is altogether too sudden, the object too palpable, to give to their new efforts any other character than that of the ridiculous; and by that character they must and will be known to the country. As to myself, sir, I shall keep straight ahead on my old track. I have always voted in favor of liberal appropriations for the national defence, and I shall continue to vote for them. I shall cheerfully vote for the one hundred and fifty thousand dollars for fortifying Boston harbor, uninfluenced by the last year's opposition of the honorable chairman, and for any other appropriations which have a reasonable claim to our approbation. But, sir, I will not vote for appropriations merely to get rid of the public money. I shall first inquire, as I have heretofore done, whether the object for which the money is asked be a proper one; and if it be, then whether the sum demanded can be profitably expended during the year. If I come to an affirmative conclusion on both these points, I shall vote for the appropriation; otherwise, I shall vote against it, and risk the denunciations of all new converts to the "national defence" party.

Sir, the secret of this new course of action, which is, indeed, no secret at all, is the discovery of a large surplus in the Treasury, which the people are desirous of having distributed among the States, and applied to some useful purpose. To prevent this distribution, we have, for the last two or three months, witnessed a state of things altogether new in the history of our legislation. Heretofore, the requisitions of the Departments were examined with some degree of scrutiny by the Committee of Ways and Means, to ascertain if they were necessary, or if some deduction from their amount might not reasonably be made. Formerly, when an unexpected requisition came in, you could discover, by the sober demeanor of the Committee of Ways and Means, that they were fearful of the effect of the new call on the House, and that they regretted the necessity which compelled them to advocate it. Now, the scene is entirely changed. No sooner does the chairman of that committee receive a call for a new appropriation, even for a few thousand dollars, than his countenance is lighted up with unusual joy; and on the prospect of a new Indian war, and the consequent call for an appropriation of a million, his exultation is extreme. He rises in his place, with great apparent self-gratulation, announces the fact to the House, and in a note of triumph informs us that we may stop talking about the surplus, for we shall now have an opportunity of spending it.

But, sir, gentlemen have not been content with the requisitions of the Executive. The Departments, contrary to all former practice, have been solicited, and importuned, and teazed, by resolutions and letters of committees, and personal applications, for additional estimates. A resolution of the Senate of the 18th of February, asking for additional estimates, produced a brief letter from the Secretary of the Navy, transmitting not his own views, but the imaginings of the Navy Commissioners; and a detailed report of the Secretary of War, overthrowing and "toppling down headlong" most of the tall projects of gentlemen for dissipating the revenue on fortifications—a report which does the highest credit to that distinguished officer, and which, had its production been the only act of his life, would have placed his name by the side of those of the most eminent statesmen of our country. The answer to this resolution was not a very digestible affair. The Secretary of the Navy said nothing. The Secretary of War interposed an argument that could not be controverted; and, what was no less insuperable, the President himself expressed an opinion in accordance with the Secretary. But gentlemen were not to be put aside by one refusal. The Senate place themselves in an imploring attitude, and address the Secretary in the language of supplication. Do, sir, be so good as to inform us the most you can possibly spend during the year in your Department. "What is the maximum amount"—that is the language—that can be expended? This question was rather too extraordinary for so old-fashioned a man as the Secretary, and he seems to have been puzzled to know what to do with it. He knew the extravagant answer which the craving appetites of those who made the inquiry demanded, and that he could not give it without abandoning the estimates he had deliberately made at the commencement of the session, and contradicting all the principles he had so ably maintained in his report. But not desiring to be absolutely uncivil to so respectable and gentlemanly a body as the Senate of the United States, he hands over the resolution to the chief engineer: "Here, sir, you answer it." From the reputation which the chief engineer has—whether justly or not I will not pretend to say—of being the most liberal and latitudinarian of any officer in the Government in regard to appropriations, one might naturally suppose he would have found no difficulty in giving the required answer. But no such thing. Even he, sir, believes there is a limit within which expenditures should be circumscribed, and beyond which they become wasteful and extravagant. He, too, declines to answer, and, following the example of the Secretary, hands over the humble entreaty of the Senate to his subordinate; and we at length have the answer of a second lieutenant of engineers, in some half a dozen lines, saying that, in his opinion, some six millions may be beneficially expended on fortifications annually. And it is upon this naked opinion of a second lieutenant of engineers, without any designation of objects, or any reasons assigned for the extraordinary conclusion to which he has arrived, that we are to be called upon to appropriate millions of the public money.

Sir, the Secretary of War repudiates the idea of lavishing our resources on extensive fortifications on the seaboard--fortifications which it would require a large standing army to man, and which no enemy would be silly enough to go out of his way to attack, when he could accomplish any object of invasion much more conveniently by passing them beyond gunshot distance. He overthrows most conclusively the extended system of defence on which our former surveys were made, proposes to confine our fortifications to the protection of the important seaports from naval approaches, and to limit the extent of those works to their capability, with the aid of steam-batteries, of accomplishing that object, and of resisting sudden attacks—relying on the patriotism of the people, aided by the facilities afforded by the internal improvements of the country for the rapid concentration of force on any point of attack, as the great and leading means of national defence. He recommends a re-examination of sites, and a reconsideration of plans, before commencing new works. Sir, this is the language of reason and of common sense; and whoever adopts the principles of the Secretary will find it somewhat difficult to discover proper objects for the expenditure of much more than a tithe of the sum recommended--no, not recommended—extorted from one of the clerks in the office of the chief engineer. Besides, sir, we all know, that when the objects of appropriation are desirable, there is a limit beyond which money cannot be profitably expended in any given period of time. A document on our tables shows that there remained in the Treasury on the 1st of January last, of money before appropriated and not then expended, $8,726,000. Of this sum, more than two millions were of appropriations for repairs of ships and the increase and improvement of the navy; $133,000 for navy yards; and although no fortification bill passed at the last session, there still remained in the Treasury, at the beginning of the present year, over fifty-six thousand dollars of money previously appropriated for fortifications; and all this during the existing difficulties with France. Sir, either the Executive must have been wilfully negligent of its duties, or the unexpended money in the Treasury could not be profitably used. Gentlemen certainly will not take the first horn of the dilemma. Neither will I. We all know that the demand which the Government makes for the peculiar kind of materials and labor which it requires, may become greater than the natural means of supply; and that, when such point is reached, any attempt to force the prosecution of works must result either in a material reduction in their quality and value, or such a wasteful expenditure of money as no Government would engage in but during a period of the most extreme necessity and danger. Sir, most of the money under these extravagant appropriations cannot, and will not, be expended. It will still remain in the Treasury, and all attempts to drain it by this mode of operation will, so far as the money is not extravagantly wasted, be altogether nugatory. The Secretaries, both of War and the Navy, well understand this matter, and wisely decline making themselves responsible for these Quixotic appropriations. If gentlemen desire to assume a responsibility which the Executive declines, they are certainly at liberty to do so. I shall take care to wash my hands of the responsibility, by voting against the appropriations.

But, sir, the "national defence" project having encountered so many obstacles from the Departments, and it being ascertained that it will entirely fail of dissipating the public revenue, gentlemen have very industriously set themselves at work in inventing other schemes for accomplishing the same laudable object. I shall not stop to enumerate the various projects which this strife for the honor of being the inventor of the most expeditious and effectual mode of draining the Treasury has produced. Any gentleman who has a curiosity to examine a list of them, will find one approximating as nearly to perfection as the nature of the subject will admit, in the printed remarks of the gentleman from New York on my left, [Mr. Gillet,] who catechised so non-committally his colleague [Mr. Granger] in regard to these various schemes, and who, I thought, before the prompt responses of his colleague were completed, most heartily wished the whole of them back in the brains of the very respectable gentlemen who had concocted them. I feel under great obligations to my friend from New York [Mr. Gillet] for the labor he has so praiseworthily expended in hunting up from among the dusty files of the two Houses these various schemes, and for presenting them in so condensed and portable a form. I have had thoughts of moving the House for the printing of an extra number of copies of the gentleman's catalogue, in order that my constituents might have a perfect knowledge of the very great variety of modes by which the public money may be in geniously squandered; but as I doubt whether such a motion would be in order without a suspension of the rules, I trust the gentleman will pardon me for waiving it, at least for the present. It is a little remarkable, sir, that two of the most prominent of these projects—in pursuance, perhaps, of the great anxiety of gentlemen to put down all monopolies—are for the direct benefit of corporations. I refer to the project of the grave Senator from Tennessee, [Mr. GRUNDY,] for entering into partnership with railroad companies, and to the no less commendable one of the Senator from New York, [Mr. WRIGHT,] for investing the surplus in corporation stocks! Who are to be the agents for making these investments, we have not yet been informed. I hope I shall not be considered out of order in suggesting that there are sundry very worthy gentlemen in the New York Senate, who have had great experience in these stock matters, and whose claims for services rendered, and trials and tribulations endured, in the bloody war against monopolies, ought not to be overlooked.

Mr. Chairman, there is a very great inherent difficulty in this matter of spending the surplus. When there are really no proper objects of expenditure, it requires immense intellectual labor to discover them. I wonder, sir, that some gentleman has not introduced an appropriation (say of a million or two) to be awarded to the person who should invent the most plausible mode of draining the Treasury. I do not think it would produce many new schemes, for I believe the ingenuity of gentlemen has already been taxed to the utmost; but it would have the merit of being itself a project, and of abstracting from the Treasury precisely the amount which was appropriated as a premium. If any gentleman has a scheme in his drawer ready to offer, and thinks this a better one; or, if any gentleman who has produced a scheme, and ridden it through its butterfly life, is desirous of mounting another hobby, he is welcome to this—"free gratis for nothing." I leave the sum blank, to be filled up by whoever receives it. I do not engage that it is absolutely a proper mode of spending the public money; nor do I desire any gentleman to take the scheme absolutely at his own risk. I warrant it to be fully equal, in every respect, to most of the projects that have gone before it; and I further warrant that the people, to whom all these matters must be finally submitted, will so consider it.

Mr. Chairman, I propose to inquire into the actual state of the Treasury, with the view of ascertaining whether its condition and prospects will allow of a distribution of the proceeds of the public lands among the States, as proposed by the bill on your table from the Senate. But, before doing so, I beg leave to call the attention of the committee to the two last annual reports of the Secretary of the Treasury, for the purpose of showing how entirely mistaken he has been in his estimates of the future revenue of the country.

In his report of December 2, 1834, he estimated the balance that would be in the Treasury on the 1st of January, 1835, at - - - -	$5,586,232 34
He estimated the receipts during the year 1835 at - - - -	20,000,000 00
Making, of available funds for that year,	$25,586,232 34

By the report of December, 1835, it appears that the actual balance in the Treasury on the 1st of January, 1835, instead of being about five and a half millions, as he had before estimated, was $8,892,858 42; and by the same report we are informed that the receipts of 1835, instead of being but twenty millions, would be $28,430,381 07, exceeding by nearly eight and a half millions his previous estimate. Observe, sir, this was the estimate made at the commencement of the present session.

But on the 13th of January, the Secretary, in answer to a call from the Senate, informs us that his estimate of receipts, made in December, was quite too low, and that the actual receipts for 1835 were $34,400,733 69, being an addition of six millions, which the short period of six weeks had enabled him to discover. The account, then, between the Treasury and the Secretary's estimates for 1835, stands thus:

Ascertained balance in the Treasury, January 1, 1835, - - -	$8,892,858 42
Actual receipts for 1835, - - -	34,400,733 69
Making the sum of - - - -	43,293,592 11
Deduct balance in the Treasury and receipts as estimated, - -	25,586,232 34
Leaving an excess of - - -	$17,707,359 77

of available funds for the year 1835, over and above the sum which had been estimated by the Secretary at the commencement of the year.

Sir, in this matter of estimates, the Secretary does not seem to profit by experience, for he has been quite as wide of the mark this year as last, and he runs into the same error, that of estimating the revenue greatly too low. In his annual report, made at the commencement of the present session, he estimates the receipts for 1836, from all sources, at $19,725,700. On the 18th of April, 1836, in answer to a call from the Senate, the Secretary informs us that the actual receipts for the first quarter of 1836 amounted to the sum of $10,725,700, about one million more than one half of his estimated revenue for the whole year. Here again the Secretary, five days afterwards, finds his estimate for the first quarter to be minus about half a million. Hear his explanation. I quote from his report of April 23, 1836: "It is deemed proper to add, that some additional returns of receipts into the Treasury during some of the last days of March, which, from great distance, irregularity in the mails, or some other cause, had not arrived, and could not be ascertained by either the Treasurer or this Department at the time of my former report, have since been received, and increase the amount, as then ascertained by him in his running account to be the balance in the Treasury, about $451,545." So the actual receipts into the Treasury during the quarter ending March 31, 1836, were $11,177,245.

Sir, a man of more suspicious temperament than myself might charge this uniform system of blundering, which the Secretary seems to have fallen into, to some motive of concealment, extraneous from the public good. I make no such charge. I will not question either the integrity or general ability of the Secretary. I believe him to be in many respects an excellent officer. I impugn not his motives; but I will say this of him: that, for a Yankee, he shows very little 'cuteness at guessing. Why, sir, the dullest of the Kentuckians on Green river, who, we were the other day informed by my friend, [Mr. HAWES,] their representative, mistook an astronomical observatory for the miraculous reappearance of Jacob's ladder, would be willing to reckon on a wager against his guessing; and, in Western phrase, would be "mighty likely to beat him all hollow."

Mr. Chairman, I come now to inquire into the actual condition of the Treasury, with a view to ascertain what sum will be for disposal during the present year. In doing this, I shall rely on the statements made by the Secretary of the Treasury himself for the past, and on estimates for the future, the reasonableness of which cannot be called in question.

The balance in the Treasury January 1st, 1835, was - - - -	$8,892,858 42
Revenue of 1835, - - -	34,400,733 69
Making - - - - -	43,293,592 11

Deduct expenditures of 1835,	18,176,141 07
Actual balance in the Treasury January 1st, 1836,	25,117,451 04
Actual receipts first quarter 1836,	11,177,245 00
	36,294,696 04
Last three quarters 1836, estimated eight and a third millions each,	25,000,000 00
Making in the Treasury at the end of the year,	$61,294,696 04

I believe my estimate of the last three quarters to be too low. I know that several gentlemen, friends to the administration, in whom as financiers I have great confidence, estimate the sum at thirty millions instead of twenty-five. I prefer to err, if at all, on the safe side, and therefore take the lowest sum. In addition to this sum, the Government has, in the United States Bank, stock to the amount of seven millions, which the bank is now ready to pay, with an addition of 14 per cent., and which will doubtless come into the Treasury during the year, with a still greater advance. I call this sum eight millions. We are informed by the Secretary, in his report of December, 1834, that there will always be, at the end of every year, a sum of several millions in the Treasury of unexpended balances of former appropriations, which may be safely relied upon to meet appropriations for the ensuing year. This sum, on the 1st of January last, was about eight millions. The amount of this sum must increase in a much greater ratio that the increase of appropriations; and as the appropriations of the present year are to be unusually large, the unexpended balance at the end of the year will be much larger than at any former period. It is impossible to form a decisive opinion as to the amount until after the appropriations are made. It cannot be less than twelve millions.

[Mr. Lawrence here said, "not less than fifteen millions."]

Mr. Hall continued. A member of the Committee of Ways and Means says not less than fifteen millions. Sir, if your extravagant appropriations for fortifications are made, and added to those of the like character which have already passed for the navy, the sum will be much larger than fifteen millions. I have before said that there is a limit beyond which money cannot be expended. Sir, you may go on and appropriate some half a dozen millions more for Indian wars, the causes of which yet remain unknown, and about which, or the manner of conducting them, no one seems willing to take the trouble to inquire; go on, sir, with your appropriations for fortifications and Indian treaties, and for every other conceivable object for which the most latitudinarian gentleman can make up his mind to vote; go on, until you have appropriated every dollar in the Treasury; and the great mass of the money will still remain there, undrawn and unexpended. Why, sir, if more than two millions of former appropriations for the increase of the navy could not be used during the last year, when a French war was apprehended, how are you to expend triple the sum this year, when this year's appropriation is made at a much later period in the season than the last? Sir, these appropriations cannot be expended; it is idle to talk about it. Whatever may be the amount of your appropriations, whatever may be the footing of your appropriation bills at the end of the session, it may be calculated with perfect safety that a sum greater than thirty millions cannot and will not be drawn out of the Treasury; and any amount above that sum may be considered as remaining there, a fund for distribution, with perfect security to the Treasury. But to go on with the calculation I had commenced: suppose the unexpended balance at the end of the year to be only twelve millions, making an increase over that of the present year of four millions; this four millions, with the United States Bank stock, amounts to twelve millions, which, added to the $61,294,696 04 before ascertained, gives, in round numbers, the sum of seventy-three millions, which would be in the Treasury at the end of the year, if no sums were drawn out. The proceeds of the public lands for the three past years, which the land bill proposes to distribute, together with those of the present year, at a liberal estimate, may be put down at thirty-six millions. Call the sum to be distributed thirty-six millions, and we have still left, to be appropriated to the ordinary purposes of Government, the enormous sum of thirty-seven millions—a sum greater by about nineteen millions than the expenditures of the last year, and greater by fourteen millions than the whole estimates of the Secretary, ordinary and extraordinary, for the expenditures of this. Sir, I shall not go into any particular estimate of the condition of the Treasury for the ensuing year; for, although the land bill proposes to distribute the proceeds of the public lands for 1837, I deem the inquiry wholly unnecessary. I have no manner of doubt that the revenue from the customs alone, for several years to come, will be abundantly sufficient for all the wants of the Government; but the distribution for 1837, if now ordered, will be under the perfect control of Congress at its next session, and may be recalled, if the necessities of the country shall be found to require it. I will not, therefore, enter on the discussion of a question of so complicated a character, when its final decision, if now made, would not be material to the matter I have had in hand, which was to show, what I think I have clearly shown, that the land bill may be passed with perfect safety to the Treasury.

Mr. Chairman, having shown that the state of the public funds will admit the passage of the land bill, I would now be glad, if I could, to satisfy the House that the interest and welfare of the country require its passage. But, in this undertaking, I am met in the outset with obstacles against which the demonstrative reasoning of arithmetical calculations cannot be interposed; with obstacles more powerful than those coming in the shape of strong argument or stirring eloquence; obstacles which nothing but individual self-examination and independent patriotism can remove; the obstacles of prejudice and party feeling. Sir, the great misfortune of this measure of distribution is not that it is a bad measure, but that, with the majority, it has got a bad name. I sincerely wish, for the good of the country, that it bore the name of some popular politician, rather than that of a persecuted statesman. I wish it was a Jackson or a Van Buren bill, because I believe it would then pass the House by acclamation. Sir, this ought not to be considered a party measure. It cannot operate for the peculiar benefit of any party, or of any particular section. It will operate equally on all the people and on the whole country; and whatever gentlemen may have heretofore thought in regard to it, however they may have formerly voted on it, it is now presented under circumstances so entirely new, that they may, without making themselves liable to the charge of the slightest inconsistency, give it their warm support. Heretofore, the event of there being a surplus to be divided was matter of calculation and estimate. Now, the existence of the surplus is ascertained--has become an established fact, on which we are called upon in some way to act. Will gentlemen suffer this enormous surplus to be squandered by the central Government, on objects which, when accomplished, will confer no practical benefit on the country, rather than impose on themselves the labor of independent thinking on a question of such deep importance to their constituents? Will they suffer a personal bias, perhaps hastily imbibed, under the influence of high party excitement, to shut out from their minds the light which fact and reason may shed on this question? Certainly they will not. Gentlemen will examine this measure with fairness and candor, and, having done so, I cannot doubt the conclusion to which they will arrive. They must and will unite in favor of the distribution.

Mr. Chairman, I have said that I regretted this measure of distribution was connected with the name of a distinguished statesman. Not, sir, that I would be willing to pluck a single laurel from the brow of that individual. I have had the honor, from my youth up, through good and through evil report, to be his political friend and admirer. I now claim it as an honor; and when the mists of party rancor shall have passed away; when the name and fame of that individual shall become matter of history, and be claimed as the common property of the nation; when men shall wonder at the delusions which had seized on his contemporaries, my children will claim it as an honor to be able to say of me, My parent coolly breasted the torrent of popular clamor, and always did him justice.

But, sir, great as may be my regard for any individual, I hope my regard for my country is still greater; and believing, as I do, that this measure is of the highest importance to the welfare of our country, and to the peaceful continuance of our republican system, I would willingly give the merit of its success, if it could be justly done, to the most violent political opponent. In the hope—perhaps, sir, a vain one—of conciliating the good will of some who, from the name of this measure, may have hastily taken up an unfavorable opinion of it, and for the sake of doing justice to other statesmen of our country, and particularly to my immediate predecessor on the floor of this House, I take occasion to say, that although this measure of distribution has become the adopted child of the distinguished Senator to whom I have alluded; though it wears his dress, and has taken his name, yet he can lay no just claim to the parentage of its leading principles. Without going back to an earlier period, and without noticing various suggestions and propositions of different individuals, which had been made both in and out of Congress, it will be found that, as early as January, 1826, in anticipation that as soon as the public debt should be paid off, the revenue of the country would exceed the wants of the Government, an honorable Senator from New Jersey, now Secretary of the Navy, brought forward a proposition for distributing annually among the States a portion of the public revenue, for purposes of education and internal improvement. The resolution was entertained by the Senate, and the subject referred to a committee, of which the Senator introducing it was the chairman; and, on the 11th of May following, the committee made a detailed and able report in favor of the measure, accompanied by a bill for distributing among the States, according to their representative population, five millions annually for five years, ending with the year 1831. The recollection of gentlemen will enable them to confirm the statement which I now make, that this measure of distribution was for several years, in many parts of the country, a favorite one with the friends of the present Chief Magistrate. It had received so much attention, and was deemed so important, that General Jackson made the subject a part of his first message to Congress. In that message, delivered December 8, 1829, he enumerates with much clearness and force some of the evils which were in future to be apprehended from a surplus revenue—evils under which the country is now actually laboring. He then proceeds, as I will read to you: "To avoid these evils," says the message, "it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it." Sir, the President then deemed this measure of distribution so important, that, if constitutional objections should be found to present obstacles in the way of its accomplishment, he would have them removed, even by the tardy and difficult process of an amendment of the constitution. I do not find, sir, that the President's views met with any serious constitutional objections; but others, on grounds of expediency, seem to have been made from some quarter, which the President, in his next annual message, proceeds to discuss in detail, and to remove. It is somewhat remarkable that the four objections which are noticed by the President, and answered, have since been among the most prominent ones made to the land bill. The objections which are formally stated in the message, and each answered separately and at length, are these: 1. To the ratio of distribution; 2. To its tendency to produce increased taxation; 3. That the States would improvidently use the fund; and, lastly, that it would create an improper dependence of the States on the General Government. Sir, the argument of the President is so clear on these points, and so entirely conclusive, that were it not for its great length, I would ask permission of the committee for the Clerk to read it. But the time which I have prescribed for myself to occupy the attention of the committee is already so far spent that I must omit it. I commend it to the attention of all—to those who may doubt upon the points it discusses, as containing matter calculated to remove their doubts; and to those who continue making the objections, as presenting arguments which they will do well to consider how they are to answer to their own judgments, and to their constituents. You well know, sir, that this measure of distribution was once, whatever it may be now, a favorite with your own State; that in 1827 it received the strong recommendation of Governor Clinton, in his message; that it was also recommended by Governor Throop in 1831, and that, at the same session of your Legislature, a resolution approving it passed your House of Assembly by a unanimous vote; but as the particular attention of the committee has already been called to these propositions from New York, by other gentlemen, I will not dwell on them.

You will notice, sir, that all the propositions which I have yet mentioned contemplated a distribution of the revenue, without reference to the sources from which it was obtained; and included the proceeds of the public lands, as well as the revenue derived from the customs. But the proceeds of the public lands have always been looked upon as standing on a different footing from the revenue derived from other sources. I have not extended my researches very far back, but I find that in February, 1826, the standing committee of this House on the Public Lands, by Mr. Strong, one of its members, from New York, made a report to the House, recommending an annual appropriation of a portion of the nett proceeds of the public lands for the support of schools, and of apportioning the same among the States in proportion to their representation. In February, 1829, a resolution was adopted by the House, on motion of Mr. Stevenson, of Pennsylvania, a political friend of the present President, raising a committee to inquire into the expediency of distributing annually all the money arising from the sales of the public lands among the several States, in the same proportion. This reference, also, produced a report favorable to the measure. On the 17th of December, 1829, my predecessor in this

House, (Gen. Hunt,) introduced a resolution directing "the Committee on Public Lands to inquire into the expediency of appropriating the nett annual proceeds of the sales of the public lands among the several States, for the purposes of education and internal improvement, in proportion to the representation of each in the House of Representatives." This resolution was discussed from day to day, during the morning hour, until the 19th of January, when it was adopted with some modifications, and, among others, with one changing the committee from that on the Public Lands to a select one. Mr. Hunt, as chairman of the committee, at the same session, made a report, which will be found among our printed documents, giving a succinct and lucid history of the public lands; examining with candor and skill the nature and character of the power of this Government in them, and concluding with the report of a bill in favor of the distribution of their proceeds. I am sure, sir, every individual now present, who was a member of this House at the period during which Mr. Hunt held a seat on this floor—a seat vacated by his lamented death in this city—will bear witness to the talent and assiduity with which he performed all his duties here, as well as to the high-minded and honorable motives which governed him; and it is no disparagement to any of the eminent statesmen who have since discussed the subject of the public lands, to say that he clearly foresaw the future importance of this growing resource of the public revenue; that his report contains the germe of nearly every argument which has since been urged in favor of the constitutionality and expediency of distribution; and that it has been seldom, if ever, surpassed in ability.

You will perceive, sir, that this measure is not new to this House or to the country; and that, long before Mr. Clay first introduced his bill into the Senate, my own constituents, in particular, had, through their Representative, urged upon Congress, with earnestness and skill, the justice and propriety of the measure; and that, in now standing up as its advocate, I am not following in the lead of party, but am only expressing, as well as I am able, the long-cherished and declared will of my district. Sir, I repeat what I have before said: this measure of distribution cannot, with any propriety, be called a party measure. No particular man, no particular party, can, with any justice, claim the honor of its paternity. It is not a measure, like the many schemes of squandering the public money, which the diseased political atmosphere of this Capitol has lately generated, that requires deep thought and laborious research to originate. It is the natural, spontaneous production of the minds of the great mass of the people themselves. Proceeding on the self-evident proposition, so well expressed by General Jackson in his message of 1830, that "the resources of the nation, beyond those required for the immediate and necessary purposes of the Government, can no where be so well deposited as in the pockets of the people," the people look down upon their representatives, and say to them: "Gentlemen, you have got a large amount of our money, which you can't profitably use—please give it back to us." The idea is perfectly simple and natural; and it would be doing manifest injustice to the common understanding of every man in the nation to go about hunting among the giant minds of our statesmen to discover its origin.

Mr. Chairman, I shall not trespass on the patience of the committee, by repeating the arguments which have been so well and so conclusively stated by others, to show the constitutionality and propriety of a distribution of the proceeds of the public lands. It has been shown to this committee by gentlemen who have preceded me in this debate, and particularly by the gentlemen from Virginia, [Mr. McComas,] and Kentucky, [Mr. Underwood,] that this distribution is not only in conformity with the constitution, but is, so far as the important cession of Virginia is concerned, imposed upon Congress as a duty by the very language and spirit of the deed of cession. And I confess I am unable to see how this Government can otherwise honestly discharge the trust reposed in it by that act of cession, than by giving to Virginia and each of the other States their respective shares of the common fund. Sir, I have not heard the constitutionality of this measure seriously questioned. Any objection of that kind, it seems to me, would now come altogether too late. It has hitherto been supposed that the power of this Government over the public lands and their proceeds was unaffected by the limitations imposed in the constitution on the use of money raised for revenue purposes. I have looked into the various elementary writers on the constitution, and I find they all concur in giving to that article of the constitution which confers the power on Congress "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," a construction which would leave the proceeds wholly unrestrained to the purposes for which taxes and imposts may be imposed. It is an article separate from, and wholly independent of, that conferring the taxing power, and cannot be circumscribed by its limitations. From the very commencement of the Government, we have been in the constant habit of legislating on this construction, and the constitutionality of such legislation, so far as I am informed, has ever remained unquestioned. We have made grants of the public lands to States, to corporations, and to individuals, for almost all conceivable purposes--for purposes to which no one would have thought of appropriating the general revenue. We have appropriated over eight millions of acres for common schools, more than two millions for internal improvements, about five hundred thousand acres for colleges and academies, ninety thousand acres for religious and charitable institutions; and in the acts of admission into the Union of each of the seven new States, five per cent. on the amount of the sales of the public lands within their respective limits is granted by Congress, either for purposes of internal improvement or education. And are we now to be met with an argument against the power of Congress to make this distribution? I trust not. Sir, if any constitutional question can be considered as settled by a long, uniform, and uninterrupted course of practical legislation, this general power over the public lands is one of them.

I have been amused, sir, at the variety and contradictory character of the objections which are made to the distribution, as proposed by the land bill on your table. The proneness to contradiction in the arguments which are adduced against this measure is so great, that you seldom hear an objection raised by one gentleman, but the next one you listen to astounds you with one of a directly opposite character; and you rarely meet with a single speech or public document against this distribution, in which some prominent position assumed in one paragraph is not contradicted and overthrown by that contained in a succeeding one. I am persuaded, sir, that no more effectual way of overthrowing all these arguments could be devised, than by collecting them all together, and placing them in juxtaposition with each other. I think their mere contrast would be their sufficient refutation. I will not detain the committee by noticing all of the extraordinary objections which the ingenuity of gentlemen has devised against this measure of distribution, but I must beg leave to notice a few of the most prominent of them.

Sir, one person objects to this bill because it is temporary, is limited in its operation; it only proposes a distribution for five years, and is therefore no final settlement of the question in regard to the public lands. I believe this is one of the objections in the veto message to the bill which passed the two Houses in 1833. Another objection now made is, that the measure will be a permanent one. It is said, if the distribution is once made, if the States and people but once get a taste of this treasure, they will never give it up. And this last argument, so complimentary to the wisdom and intelligence of the people, is one which is urged with considerable earnestness; and I do not know but the time may soon come, if it has not already arrived, when implicit faith in it will be required as one of the qualifications for membership in what gentlemen are pleased to denominate the "democratic party." I confess my democracy is not of that character. I have entire confidence in the ultimate decision of the people. If the distribution works well, and the revenue of the country will admit it, it will be continued; otherwise, it will be abandoned.

Sir, another objection made against this bill is, that, by placing the States in a dependent position on the General Government, it will tend to produce consolidation. This, I think, is also one of the veto objections. This objection is not only overthrown by the argument contained in the President's message of 1830, but is contradicted by a new argument which has lately come into fashion. The argument is this: that the States, by abstracting the funds from the national Treasury, will become all-powerful, and leave the General Government too weak to carry on its necessary operations. I confess, sir, that this argument, coming, as it does, from gentlemen claiming to have in their peculiar keeping the principles of the old republican party, strikes my ears rather gratingly. But this is a day of new things, and I suppose we must brace up our nerves to stand the shock of any thing, however strange or unexpected. I thought that if there was any one principle which stood out above all others as the platform on which the old republican party was founded, it was that the danger to our system arose from the weakness of the States, and the too great and absorbing power of the General Government; but now, forsooth, we are exhorted, in the holy names of republicanism and democracy, not to distribute to the States a surplus revenue which the General Government does not need, and cannot use, for fear of endangering the system, by strengthening the power of the States! Sir, this objection, like the other, taxes my democracy too heavily. I can't go it.

Mr. Chairman, an objection has been raised against the bill on your table, because it proposes to give the new States some ten per cent. on the amount of the sales of the lands within their respective limits, for the purposes of internal improvement, before the general distribution is made; and for this reason, it is said, the distribution is unequal and unjust to the old States. Sir, this objection is not only answered by the uniform practice of the Government, which I have before stated, to make, as a means of enhancing the value and increasing the sales of the residue of the lands, grants of lands for such purposes, but by the fact that the additional ten per cent. may be deemed necessary to place the new States on an actual equality with the old, for the reason that the former have increased much more rapidly in population, since the last census, than the latter—of which increase in the new States the amount of their respective land sales is the best practical admeasurement. But the objection is contradicted and overthrown by another, still more extraordinary. Sir, in a public document, where I find this objection most strongly urged, and most laboriously insisted on, the final views of the author are summed up in the following language; I give it *verbatim et literatim:* "I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States." Yes, sir, we are told that it is unconstitutional, a violation of compact, and unjust to the old States, to allow the new States, in a measure of general distribution, a small per centage on the amount of the sales; and yet, that after a few thousand acres more are sold, it will be perfectly constitutional, in clear conformity with compact, and perfectly just to the old States, to cede the whole of the lands to the new. Sir, was there ever any public measure which met with such unaccountable, such extraordinary—is it too much to say, absurd—objections? And what, sir, is the object of this war upon reason and common sense? Why, sir, no other, that I can discover, than to enable the very persons who are carrying on the war to reap a rich harvest of patronage, by controlling and directing the use of the money whose distribution they oppose. And this brings me to the consideration of another objection which has been made, and the last one which I shall notice. It is said we have no security that the States will make a wise use of this money. I would ask, sir, what security have the people that we shall make a wise use of it? Have they not the strongest possible reasons to believe that, if it remains undistributed, we shall use it most wastefully and improvidently? If they are not already sensible of it, they have read but poorly the signs of the times, have watched but carelessly the movements of their representatives. Sir, I will not at this time go into this subject more fully than I have already done. But I would ask if there is a man here who seriously and truly believes that the States could not, and would not, make a much better use of this money than we should? It is notorious that the States use their funds much more economically than we do—that any State can accomplish a given object with half the amount of money that we can. Their agents are nearer to the people, and feel a much deeper and stronger responsibility. The people themselves take a deeper interest in objects of a State character than in those of the General Government, and watch the agents more closely. And what is this objection, after all, but an insult to the understandings and integrity of the people? Gentlemen talk here as if they supposed all the virtue and all the wisdom of the nation were congregated in these halls, and that nothing could be well done unless we did it.

Sir, I have no such belief. I believe that Virginia, and Maryland, and Pennsylvania—ay, and Vermont too—and every other State in the Union, would appropriate their respective shares in this fund to much better purposes than we should. And, sir, I have no fears of its corrupting the States. It is when money is collected in large masses, where it cannot be properly used, that the danger of corruption exists. That is the precise situation of the surplus revenue in reference to the General Government. We have no proper objects to which we can apply it, and therefore we must expect that it will naturally be used for improper and corrupt purposes. The condition of the States is wholly different. The great objects of internal improvement and education, which come within the peculiar province of State legislation, will furnish ample and highly beneficial uses for the application of the proceeds of the public lands for years to come; and so long as those objects require the fostering care of the State authorities, there is no possible danger that the fund will corrupt them. Appropriated under the wise legislation of the people's immediate representatives, it will infuse new life and vigor into the business of the whole country, and its usefulness be benignly felt and appreciated by every man in the Union.

Mr. Chairman, I have said this measure of the distribution of the proceeds of the public lands was a measure of the people. It has received the long-recorded approbation of the most eminent and valued men of all political parties; it cannot be resisted by any argument which addresses itself to the good sense and sound reason of men, and the powerful evidences of the most common understanding. Do you suppose the great body of the people, especially those in the interior of the country, will be satisfied to have the surplus money in the Treasury foolishly squandered on the seaboard, or that they will be content to have it remain in the custody of some thirty or forty banking corporations, for the purpose of enabling their rich stockholders to grow still richer, by loaning it out to those bloodsuckers of the community—the city brokers and stockjobbers? Sir, they will be satisfied with no such thing. I warn you, Mr. Chairman, that if this measure fails to pass—if we separate without making some distribution of the public money, the first question that will be put to you, when you reach your district, will be, "Why didn't you pass the land bill?" And have you, sir, got your answer prepared? [Mr. Mann nodded affirmatively.] I understand your intimation. I know, sir, that you can give as ingenious an answer to a difficult question as any man in this House or out of it. But I am mistaken if you do not find yourself puzzled to make a satisfactory one to this. I suppose you will reply to your constituent in the familiar language of party, and say to him, "You know, friend, this is one of Mr. Clay's old plans for breaking down the administration; you vote for Mr. Van Buren, don't you?" "Oh, yes," the constituent will say, "I go for Mr. Van Buren, to be sure; he's the true democratic candidate; but then I don't see how passing the land bill could hurt him; Mr. Clay's not going to run." "Oh, but," says the representative, "you know General Jackson is opposed to the bill, and that it would have been vetoed if we had passed it—you wouldn't have me go against General Jackson, would you?" "Well," answers the constituent, "I'm a Jackson man, to be sure; I always was a Jackson man—I mean ever since it came out in the Argus that General Jackson was taken into the democratic party; but I don't see why General Jackson should be opposed to this distribution—he used to be in favor of it. Don't you think Mr. Van Buren could have persuaded him to sign the bill?" "I see," says the representative, "you don't understand this matter; this is one of the most outrageous measures that was ever presented to Congress; the very essence of it is bribery--plain, downright bribery!" "Well," says the constituent, "I am opposed to bribery, to be sure--and General Jackson, and the whole democratic party, are opposed to all bribery, in the State Senate and every where else; but then I don't exactly see how dividing the money among all the people, giving to every one an equal share, can be bribery, when giving it to a few men in the cities, or letting the banks use it for nothing, is not. But I'll think of it. I go for the democratic party, to be sure; for the Benton yellow boys, and down with all monopolies, but I don't understand how this can be bribery, after all--I must study a little more into this matter." Mr. Chairman, I will not pursue this dialogue further. I will not suppose you would then address your constituent in what has been alleged to be the secret language of party, and say to him that the use of the money was needed by the administration to increase the patronage and secure the success of the party. I will not suppose this, because I know you to be incapable of either avowing or acting upon any such motive. I wish I could say as much of every body.

Sir, I have a few words to say in regard to the peculiar position of my own State, with reference to the expenditures of this Government, when I shall have done. I think I may safely say that no State in the Union has shared so little in the direct pecuniary benefits of the General Government as Vermont. From the very beginning she did not reap all the advantages conferred on the other States. Exercising throughout the whole of the revolutionary war an actual though unacknowledged independence, and occupying a frontier position, often the theatre of invasion, and always in imminent danger of it, her people bore their full share in the perils, the trials, the expenses, and the honors, of that contest. Yet she came into the Union in 1791, bringing not with her a State debt to cast as a burden on the nation, but to unite with her sister States in the payment of the twenty millions of their debts, which this Government had already assumed. Under the operation of the taxing power of this Government, she has paid her share of the debts of those States, in proportion to her population and resources. I speak not this by way of complaint; I make the statement as matter of fact and of history. Of the several hundred millions of the expenditures which this Government has made since its first organization under the present constitution, but a fraction has been disbursed in Vermont. I have not been able to ascertain, from printed public documents, the precise share which the State I in part represent has had in all your appropriations; but I will give you the amount for three permanent objects of local expenditure, as a sample. Your expenditures for fortifications have been 17,526,000 dollars; for internal improvements, 6,283,000 dollars; and of neither of these sums has a dollar ever reached Vermont. Your expenditures for light-houses have been 3,644,000 dollars; and of this Vermont has received the sum of 4,729 dollars and 22 cents. Sir, while other States can boast of the fortifications, the navy yards, the custom-houses, the marine hospitals, the mints, the armories, and other splendid works, which your Treasury has caused to spring into existence; of the harbors and rivers whose channels you have deepened and enlarged; of roads and canals which your munificence has constructed or aided, the only legible marks which you have made on the surface of Vermont, to which her people can point as evidence that she also belongs to the Union, is the light-house I have mentioned, and a small arsenal—both together costing the Government something less than fifteen thousand dollars. I speak not even this in the way of complaining of the past expenditures of this Government, or as putting in a claim for a large share in the future expenditures for similar objects. It is doubtless true that expenditures for national purposes should be made, where the general interest requires them, without reference to State lines; and I know that, of the vast amount of your future appropriations, but a mere trifle can ever be expected to reach the State of which I am a representative. You have ceased making appropriations for internal improvements, and we can expect nothing for such objects. Our people are hardy and brave, have always shown themselves well qualified to defend their territory, and require no fortifications; and, having no seaboard, we are cut off from reaping any local benefits from the thousand maritime objects for which the greatest proportion of the funds of this Government have been, and in all probability will continue to be, expended. Sir, the people of Vermont understand the consequences which, under the practical legislation of this Government, are to follow from their inland position; and they have been long looking forward to the period when, the national debt being discharged, and a surplus found in the Treasury, all objections to a distribution of the proceeds of the public lands would cease. The expected period has arrived, but the objections still continue; and we were warned by the chairman of the Committee of Ways and Means, in the opening of this debate, that there was not only to be no distribution, but that, if the surplus continued, the compromise tariff act would not long be respected. Sir, I know this would be the natural consequence of the accumulation of an excess of revenue and a denial of its distribution; and being very sure that the extravagant expenditures which are proposed to be made, in order to get rid of the surplus, cannot meet the deliberate approbation of the people, I believe the question will be between an abandonment of the tariff and a distribution of the surplus among the States. Yes, sir, the measure of justice which you propose to deal out to the agriculturists, the manufacturers, and the mechanics of Vermont, is not only to deny them all advantages from the common fund arising out of the public lands, but to sacrifice the rewards of their industry to the cupidity of the capitalists, and the competition of the paupers of foreign Governments. Permit me to say that this is a measure of justice, or rather of crying injustice, which they will not accept. And, sir, their position will not be a lonely one. The people of the whole country, and especially of the interior, perceiving that this measure of distribution is one which, in all its aspects, involves their highest and deepest interests, and that, compared with it, their petty contests about who, for the time being, shall enjoy the honors and emoluments of office, dwindle into insignificance, will rise in their might, and, breaking asunder the party shackles which have bound them, will speak to their representatives a language in its favor which cannot be misunderstood, and will not be resisted. But I will not dwell on this subject. I have already occupied more of the time of the committee than I intended, and I forbear to submit any further remarks.*

Mr. **BEAUMONT** rose and said:

Mr. Chairman: I beg leave to occupy the time of the committee for a few moments, and I assure gentlemen I will not trespass long upon their patience. The only offering I bring to conciliate their kind feelings is an honesty of purpose. I am opposed to the amendment to the bill, the amendment to the amendment, and to the bill itself, in part. I am opposed to the amendment, because it adds an extravagant item to the appropriations in the bill, already too extravagant. I am opposed to the amendment to the amendment offered by the gentleman from Kentucky, [Mr. Allan,] because, whatever be its merits, as a distinct proposition, I think it has no appropriate place in this bill; and I am opposed to the bill in its present shape, because it contains appropriations extravagant in amount, and, as I believe, uncalled for by the necessities of the public service.

I believe, Mr. Chairman, that the fundamental principle of a republican Government is economy. To take no more from the people than is absolutely necessary to supply the economical and constitutional wants of the Government is the dictate of justice and of patriotism. All the money expended by the Government, whether properly or improperly, comes directly or indirectly from the people—the laboring people—a portion of whom have been recently characterized here as a mere wandering herd of reckless adventurers, having neither virtue, nor home, nor tie of affection, to bind them to the soil of their country; but whom I consider as constituting a portion of that virtuous yeomanry who are the main support of our country in peace, and its buckler in war. Labor is the foundation of all support, national or individual; and all extravagant or unnecessary expenditure by the Government is a wanton injury done to the laboring classes. To protect this most useful class, the life and soul, the bone and muscle of the nation, should be the first care of every agent or representative of the people. But, Mr. Chairman, how few real and devoted advocates have the people in the House of the people! Is there not too often a more manifest devotion here, to the interests of those who live upon the favors of the Government, than to the interests of those who furnish these favors? Is it not too often the case that Government itself rests its support on those who are supported by the means drawn from the people, more than upon the people themselves? In monarchies the maxim is, that "the people are made for the benefit of the Government;" in a free Government, such as ours was intended to be, the maxim is, "the Government is made for the benefit of the people."

Frugality, economy, and equal justice, are the life-giving principles of a republic. Splendor, waste, and an unequal distribution of favors, are its bane. A rational people will submit to all burdens imposed for the common weal—all taxation that is necessary for the common defence, and just support of the necessary constituted authorities. Further than this submission is a crime, and a badge of servitude. That system of taxation which goes to support useless establishments—which takes from the comforts of one to add to the indulgence of another—which takes away the fruits of the labor of one man, to support the extravagance and idleness of another, under whatever name it may come, whether it assume the character of "protection" or "the general welfare," is oppression under an insidious disguise, and a speculation upon the credulity of the people. Any Government that imposes unnecessary taxation is oppressive. Has our Government at any time been guilty of this offence? Let the extraordinary increase in amount of our expenditures, the thirty-five millions of surplus said to be now in the Treasury, and the graceless scramble for its division, answer that question.

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*The public lands were acquired by the United States by cessions from the old States, (the most important being that of Virginia in 1783,) and by the purchase of Louisiana in 1802, and Florida in 1819. The quantity of land in the States and organized Territories, in which the Indian title still remains, is about seventy-nine millions of acres. In two hundred and sixty-eight millions the Indian title has become extinct, and of this one hundred and seventy-six millions have been surveyed, forty-four millions of it sold, and one hundred and thirty-two millions remain unsold. Besides this, there are, west of the Mississippi, and without the boundaries of the States and Territories, about seven hundred and fifteen millions of acres belonging to the United States, subject, however, to the Indian titles.

The amount of the nett proceeds of the sales of the public lands for the years 1833, 1834, and 1835, which the land bill proposes to distribute, is $20,571,125 75. The amount of the sales for the first quarter of the present year exceeds five and a half millions. Estimating the proceeds of 1836 at fifteen and a half millions, the amount to be distributed at the end of the present year will be about thirty-six millions. This sum, after deducting the ten per cent. allowed to the new States, distributed among the States according to their federal population, will give to each individual about two dollars and seventy-five cents. The share of Vermont in this distribution, with a population of 280,655, would be $771,800. If the State should make this a fund for the support of schools, it would, at an interest of six per cent., produce the amount of $46,308, equal to the sum that would be produced by a tax of two and a quarter cents on the whole grand list of the State. If the proceeds of the sales for 1837, which the land bill also provides for distributing, should equal those of the present year, the annual interest of the fund would considerably exceed the amount of the three cent tax annually assessed for the support of schools, and enable the Legislature, if it thought proper, to dispense with its future collection.

If the Legislature should, under proper regulations, provide by law for enabling the several towns in the State to take charge of their respective shares of the fund, and distribute the same among them in proportion to their population, the sum which each town would obtain at the end of the present year may be readily calculated, by allowing two dollars seventy-five cents for each individual. Thus, a town of one hundred inhabitants would receive $275; one of five hundred inhabitants $1,375; of one thousand, $2,750; of one thousand five hundred, $4,125; of two thousand, $5,500; of three thousand, $8,250, &c.—*Note by Mr. H.*

From twelve to fourteen millions of dollars, I believe, have been expended within the last twenty years, on and about fortifications, besides very large sums in their armament; and it is presumed that if a conscionable inventory were at this time taken by competent and disinterested engineers, the whole would not amount in value to four millions, perhaps not so much.

The question may be asked, where is the balance of eight or ten millions? It may, perhaps, be set down to the account of the "general welfare," or, in plain English, gone to the support of those who have rendered no equivalent in service, but have found it more comfortable to live on the public than upon their own resources.

Shall we increase the permanent expenditures of our Government because a system of unnecessary taxation has brought a surplus into the Treasury? This will only make the evil perpetual, and render permanent the vicious system of taxation.

All the modes heretofore proposed as a remedy for the surplus in the Treasury, which all seem to deprecate as an evil, only go to rivet the mischief upon the people. The wrong is in taking the money unnecessarily from the people, not in its remaining in the Treasury, for in that there can be no wrong. But if you increase your public expenditures, you can never again diminish them, however great the necessity, without almost resorting to a revolution. But it may be asked what remedy I would propose? I answer, take the taxes off the people. Suspend the sale of the public lands, except to bonafide or actual settlers, in limited quantities. Leave the money in the pockets of those who earn it, and not extort it from them, and then trifle with their understanding by pretending to render it back to them, which is only a promise made to the ear to be broken to the understanding.

The squandering the public domain in the manner in which it has been dissipated for the last two or three years, I believe to be a violent perversion of the intention of the original grantors, (of a part of that land at least,) and of the Government in making the investment. What has been sold within the last year for eight or ten millions of dollars, to capitalists and speculators, who never intended to till one foot of it, if it had been prudently retained, in a few years would have been worth to the people perhaps one hundred millions of dollars. These lands should be retained for the actual settlers, as an asylum for the poor but industrious man, as land becomes high in value and the population becomes dense in the old States, and their proceeds should be made available to relieve the people from taxation. This I consider the legitimate object of the States in granting, and of the Government in purchasing, these lands.

Mr. Jefferson, who wrote almost with the pen of inspiration, when speaking of the rights of man, and the legitimate purpose of Government, after recounting the many natural advantages we enjoyed, of position, soil, and climate, asks, "what more is necessary to make us a happy and prosperous people?" and answers, "A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."

And again he says, "Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden that the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge, that it may never be seen here; that after leaving to labor the smallest proportion on its earnings on which it can subsist, Government shall itself consume the residue of what it was instituted to guard."

Are there any symptoms of a disregard of this sound advice of the man whose name is so frequently invoked by us all, in the transactions of this body? A reference to the bills passed, and in the progress of passing, during the present session, will best settle this question.

My reflections, Mr. Chairman, lead me to conclude that the best preparations we can make for the defence of this country against the contingency of war and conquest, is, to preserve our free republican institutions, such as our fathers left them, unimpaired. The most impregnable breastworks we can oppose to invasion are the breasts of a free people. So long as the people of this country are left in the full and free enjoyment of their rights, and not subjected to unnecessary exactions, nor degraded by odious distinctions, they will be invincible; but whenever they shall find themselves oppressed by a corrupt and extravagant Government, and degraded by privileged orders, the charm of invincibility will be exploded; and although our whole frontiers were embossed with fortifications, and garnished with a million of cannon, our country would become the prey of the first invader who should guaranty a relief from such wrongs.

Our republic can only be maintained in vigor and health, by adhering to the first principles on which it was founded. These principles are economy, simplicity, and a severe abstinence from the corrupt practices and abuses of foreign Governments. How have we kept these observances? Are we not every day borrowing and enlarging upon these foreign examples? How long is it since we raised the salaries of our navy officers from the republican to the monarchical standard, upon the grounds urged by the friends of the measure, of enabling our officers to vie in extravagance and display with the minions of tyranny in Europe? Did we not raise the pay of a post captain from about two thousand six hundred dollars to more than four thousand six hundred, and of all the subordinate officers in pretty much the same ratio? And have not the officers of the navy been increased to near four times the number required to perform all the necessary service? Did we not increase the aggregate pay of the officers at one session, and in time of profound peace, from little more than seven hundred thousand dollars to more than one million one hundred thousand dollars? But at the same time no provision, I think, was made for the increase of the poor seaman's pay; he who, at last, must brave, through all dangers, the brunt of the battle and the storm. And where, Mr. Chairman, let me ask, are a large proportion of these very officers who receive some one, two, and three thousand dollars a year out of the public Treasury, supplied by the labor of the yeomanry of the country? Is it a fact, as has been hinted, that a large number of them are employed on board of steamboats, merchant vessels, and in other pursuits, from which they realize from twelve hundred to fifteen hundred dollars a year in addition to their public salaries? I cannot vouch for this, but I have heard it stated to be the fact.

But can these extravagances be charged to the account of the present administration and its friends? I answer no; for it will be found, by reference to the public documents, that the annual appropriations for the public service have been uniformly increased some millions beyond the estimates furnished by the executive officers.

	Estimates.	*Appropriations.*
1831,	$11,852,911 09	$13,588,681 39
1832,	12,864,099 38	18,397,751 82
1833,	17,995,581 17	22,695,782 65
1834,	18,057,488 73	20,968,992 49
	$60,770,080 37	$75,651,208 35
		60,770,080 37
Excess of appropriations over the estimates in four years, - -		$14,881,127 98

Besides, in all the annual messages of the present Executive, he has enjoined upon the attention of Congress the necessity of retrenchment and economy in our public expenditures. Besides it will be found, by adverting to the history of the last seven or eight years, that all the extravagant measures of expenditure have been caused by a large majority of the opposition and a small minority of those who profess to be friends to republican principles, but who, it would seem, follow the flock for the fleece, rather than its safety. Look at the history of the navy-pay bill, the harbor bills, the fortification bills, the bills authorizing extra public printing, and the Documentary History of the Revolution, the increase in number and emolument of the custom-house officers, the donations to this District and its corporations, amounting to some four millions of dollars, superadded to all the other advantages it enjoys over other portions of the republic, from the location of the seat of Government here, not omitting the recent appropriations for the two custom-houses in the cities of Boston and New York, estimated by some to cost more than two millions of dollars.

The principal argument adduced to justify these extravagant appropriations, and the increase of our establishments, is the great surplus in the Treasury, not the real wants of the public service. But will this surplus always last? How has it been created? Has it not been produced by abusing the patriotism of the people; by taking advantage of their willingness to submit to almost any burden of taxation to discharge the war debt of the Revolution and of 1812, and adroitly keeping on those taxes after the debt has been discharged, by specious arguments and the magic of a pretended compromise, and by appeals to the cupidity of those "who would live every how and any how" but by fair and equal competition, the foundation of political justice?

Another source whence this surplus in the Treasury flows is the confiscation (for that seems to me to be the most appropriate term) of the public lands. But this will not last forever. A few years of wild speculation, such as has been produced in part by the dropsical state of our Treasury system, will leave scarcely an acre of valuable land in the hands of the Government this side of the Rocky mountains.

But although these sources of revenue, by the force of the "compromise," so called, (a new name for an act of Congress,) and the exhaustion of the public domain, may fail, the disposition to enjoy the benefits of the Government will not diminish. These persons, who have been indulged with a public support, cannot be so easily weaned and persuaded to resort to the dull reality of providing for their own support, but become the more ravenous as the fountains whence their sustenance flows diminish, and additional taxation must then be resorted to.

All the dependencies created by the Government, whether necessary or unnecessary--the army, the navy, the numerous corps engaged in the civil and diplomatic departments of the Government, embracing the countless hundreds engaged in the collection of the customs, with all the various ramifications inseparable from the enforcement of high tariff laws, naturally form a confederacy against the interests of the people. And is there no danger to be apprehended from this confederacy? Is there no ground to fear that this combination may become our masters, and, like the janizaries or Roman legions, crush that very liberty they were raised to defend?

It would seem, from the course of legislation in this country, that the object of one class of political economists is to impose as heavy a burden upon the people as they can bear. The expenditures are to be increased while the Treasury is full from the excess of the sales of the public lands, beyond the wants of the settlers, and the "surcharge" of the war taxes, in order to furnish an excuse for an increase of the tariff, when the land fund shall be exhausted. They seem to be unwilling that the people should be relieved from the weight of taxation, lest, after enjoying the comforts of a relief, they should refuse to submit to the burden again, without a just cause. They seem fearful of the example of strict economy in our expenditures, and a relief from taxation, lest the people should insist upon a rigid observance of the same economy in future. It would seem there was a determined purpose that the annual expenditures should not be reduced to some twelve or ten millions of dollars, (which I sincerely believe, with every liberal allowance, is all that is actually needed in time of peace,) because it would afford an example dangerous to the existence of the "American system," so called, the parent of so much extravagance, the true essence of which, after all that may be said to mystify the subject, when it extends beyond the purposes of legitimate revenue, is to take from the many and give to the few; to enable one master manufacturer, by the means of the bounty of Government in favor of capital, to subject the labor of hundreds to his sole benefit; to make one man immensely rich, while the hundreds are poor; to enable one master manufacturer to make more clear profit than a whole country of farmers and mechanics. A judicious tariff, having for its object only a revenue necessary for the legitimate and economical wants of the Government, is not objectionable; but its perversion to subserve unconstitutional purposes is the wrong to which I object.

But, Mr. Chairman, for whatever extravagances that are tolerated under this Government, this House is accountable. It must rise from the fatuity or unfaithfulness of those who are placed here as sentinels to guard the rights of the people. If their rights are impaired or suffered to be invaded, we are accountable. We ought, then, to see that not a dollar is taken from the people for an unnecessary purpose; not a dollar should be taken from the Treasury unless for an equivalent in service; not an officer should be created unless demanded by the public necessity; no one should be retained in office who does not manifest a devotion to the public interest; and the public servant should not be allowed a higher reward for his services than his masters, with equal industry, prudence, and economy.

By a system of unnecessary taxation and extravagant expenditure, we may have what is termed a splendid Government, but its necessary consequence, a poor and oppressed people. Where splendor begins, liberty declines. They both cannot subsist together. In corrupt and despotic Governments, the people are kept in awe by splendor and fear. In this country, however, we at least profess to be governed by reason. The majesty of our Government is justice, and its splendor consists in its simplicity, and its guaranty of equal rights and equal protection to all. Every attempt to assimilate this chaste fabric of civil liberty to the vices and corruptions of Europe, deforms the symmetry of its proportions; and every attempt at splendor, at the sacrifice of the happiness and welfare of the people, is a wrong done to the memory of its founders.

Mr. **JENIFER** then rose and spoke as follows:

Mr. Chairman: I desire to make a few remarks before the committee rises, as it is understood that the question will be taken to-night. I should not trespass on the patience of the committee, worn down as they must be at this late hour, after so long and fatiguing a session, from ten o'clock this morning till the present time, now past eight at night, did I believe an opportunity would be afforded me at any other time of expressing my opinion in reply to various matters which have been introduced during this discussion. I hope to find an excuse in the examples which have been set me, should my remarks not be confined to the question immediately under consideration. Many topics have been introduced which would more properly have suited other occasions; but as this appropriation bill seems to have been set apart for the expression of opinions upon each and every subject, I will avail myself of the means thus afforded of making a few remarks. In doing which, I desire that my colleague from the upper district of Maryland [Mr. **Thomas**] may be present before I conclude, as I have an account to settle with him, which concerns the State of Maryland, himself, and myself.

[Mr. **Thomas** announced himself as being present, and Mr. **Jenifer** proceeded.]

The chairman of the Committee of Ways and Means [Mr. **Cambreleng**] being amongst the first to embark, followed by his colleague and others, in this erratic discussion, which has given rise to a debate almost unprecedented as to latitude, character, and irrelevancy, I may be pardoned, should I, in some measure, follow in their train.

It was emphatically asked by one of his colleagues from the city of New York, [Mr. **McKeon**,] who so eloquently addressed the committee the other day, "Where will be the surplus revenue when the fortifications, the navy, and the Indian treaties, are provided for?" It may well be asked, if the profligate expenditures which are projected and called for are sanctioned by the country, where will be the revenue to meet the demands? Notwithstanding it is admitted that there will be upwards of forty millions in the Treasury, still we hear much in eulogy of the economy of this administration, and whilst millions are appropriated without estimates from any of the Departments of the Government, barely upon application of the chairman of the Committee of Ways and Means, who has been compelled to amend his own bills presented to the House, as inadequate to effect the objects intended, defective in the estimates which he himself has relied on, and totally repugnant to all the principles which he and his friends have heretofore advocated, of specific appropriations of the public money. This is one of the evidences of the specific economy of the friends of this administration.

Mr. Chairman, for myself, I have opposed no obstacle to the appropriation bills proper, more particularly that for the defence of the country externally, and that for the suppression of hostilities within our borders, or upon the frontier. But I confess I have looked with astonishment at the credulity of this House in taking for granted that every appropriation asked for, no matter how extravagant, was indispensable to the public interest; although bill after bill has been passed, appropriating hundreds of thousands of dollars, in addition to the amounts called for by the Departments, some not having the sanction of the Committee of Ways and Means, but, as far as we are informed, by an understanding between the chairman and the heads of some of the Departments. And yet, if a member of the opposition asks for an explanation, or a few hours to examine into the propriety of the expenditure, he is denounced, both here and elsewhere, as attempting to clog the Government, to arrest the public business, and to defeat the necessary appropriations; his sympathies are excited, and all the benevolent feelings of the heart enlisted, to expedite the passage of those bills, without time being afforded for examination. Thus many of the appropriations have been unprecedented, extravagant in the highest degree, and uncalled for by any system of economical expenditure. But the ultimate object was sufficiently avowed by the honorable chairman of the Committee of Ways and Means, when, in his opening speech, he proclaimed that he "had rather see the country plunged in war, than the passage of the land bill." This explains the cause of the wasteful expenditure of the public money. It is the policy and determination to squander it away upon useless objects, sooner than there shall be a surplus to be returned to the people, by an equitable distribution amongst the States, according to the bill which has just passed the Senate, because this profligate expenditure may add to the power and patronage of the Government, by being distributed by this and the succeeding administration for their political advancement, instead of being distributed amongst the States for the benefit of the people.

The honorable chairman advanced another opinion, and declared that "the compromise bill was obnoxious and corrupting to the States--a curse to the country." The gentleman surely could not have seen the force of this remark, or, in his anxiety for denunciation, forgot to recollect that General Jackson approved and signed that compromise bill! This is the first evidence we have yet had of his friends charging him with approving a measure "corrupting to the States." Why was not his veto power exercised to save the States from this "obnoxious" measure? Or why did he become a "*particeps criminis*" in inflicting a curse upon his country? The gentleman has not assigned the true reason why he and his friends are so denunciatory of this bill. The compromise bill took from the nominee and his partisians one of the most efficient grounds of electioneering; it settled the then existing difference between the North and the South, between the tariff and anti-tariff parties. That exciting question being settled, no room is left, upon that subject at least, for the candidate of the honorable chairman and his party to play the same double game which the present incumbent did to insure his election to the presidential chair. The incumbent, like the expectant, was either tariff or anti-tariff--in favor of one or the other—of both or of neither, as best suited his political purposes. A judicious tariff for his motto, a non-committal deception would have pervaded the country.

What was the fact in 1832, preceding the then presidential election? During the sitting of Congress, letters were written from the seat of Government to the North and to the South, professing to express the opinions of President Jackson upon the then absorbing question of the tariff; and if I am not greatly mistaken, there is now on this floor, within the sound of my voice, an honorable member, as he then was, of this House, from the South, who wrote a letter to his constituents, which was published at the time, stating, from an intimate knowledge of the opinions of the President, that the most effectual means of prostrating the tariff system was to re-elect General Jackson. About the same time, (if I recollect right, within the same week,) another letter was published in Pennsylvania, written by a gentleman of that State, declaring that, from personal conversation with the President, the only means of preserving the tariff was to re-elect General Jackson.

Now, the inference is irresistible that those honorable gentlemen were either duped themselves by a political hypocrite, or they deceived the people by their own political hypocrisy. Be that as it may, the deception proved effective. In the North he was supported as the tariff, in the South as the anti-tariff candidate. This double game, at least upon that question, cannot be played pending the approaching election. This is the cause of the heavy denunciations of the compromise bill; and the honorable chairman will have to seek some other topic to advance the prospects of his judicious non-committal friend. Like a skilful politician, he takes all the chances; excites all prejudices, denounces all those who are not within the pale of this modern democratic church, as being federalists, and "willing to support any man, no matter what his qualifications, character, or principles."

At this gratuitous assumption I hope none will take offence; none, I am sure, was designed to be given. The picture he has portrayed is too like his own friends for any to mistake the resemblance, and we should not complain because he has drawn them to the life. It is true, Mr. Chairman, that we have had amongst us men without principle, and who are willing to support men with any principle. But they are going to more congenial company; some have already gone, and the remaining few, who are thus properly designated, are wending their way with certain, though cautious steps. The "spoils of victory" have dazzled their eyes; the "glory of serving under such a chief" has been sounded in their ears; and can it be expected that men "whose principles are governed by their interests" can longer withstand such irresistible temptations? Let this Congress adjourn without making some disposition of the surplus revenue, and the ranks of the opposition, before the approaching presidential election, will be purged of all those who can make a political bargain, or such as are traitorously disposed to betray their friends. Such associates we desire not—they have remained too long already; and we think we see the near departure of the last of those whose political ingratitude to his friends has been commensurate with his life.

The tariff of 1816 has been denominated by the honorable chairman a "federal measure, and the opposition a party composed of incongruous elements." What was the tariff of 1824 and 1828? Who supported those measures? Did not Andrew Jackson and Martin Van Buren advocate the "bill of abominations?" If so, where was their democracy then? Was the proclamation a democratic profession of creed? Sir, that measure, which the traduced and much-abused Alexander Hamilton would have considered too ultra-federal for him, some of the principles of which, if carried out, would lead to one consolidated Government, is taken by the present party as a text-book for their modern democracy. But these are General Jackson's opinions; and so long as he fills the presidential chair, his opinions will be those of the democratic party. Am I wrong in this? Let us refer to facts: Internal improvements were perfectly constitutional, until the Maysville veto announced the opinions of the President: the Bank of the United States was both constitutional and expedient, until it refused to be subservient to the purposes of the Executive: the land bill was a favorite and popular measure, until vetoed by the President: the distribution of the surplus revenue was a measure of his own; for, in December, 1829, he recommends it to Congress in the following words: "It appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to the ratio of representation." And now, when the surplus revenue does arise, and the minority in both branches of Congress are anxious to make such a disposition of it as is "safe, just, and federal," it is opposed upon the ground that it would be corrupting to the States.

Is it assuming too much to say that this modern democratic party, which arrogates to itself exclusive republicanism, and denounces the minority as aristocrats, is composed of politicians whose "interests constitute their principles," and who will adopt any opinions prepared for them at the White House?

They profess a convenient creed: they may be absolved from their political sins, no matter what may have been their transgressions. If they will only swear allegiance to Andrew Jackson, and pledge a support to Martin Van Buren, however blue may have been their former federalism, they become true and trusty modern democrats, purified of the old leaven, and worthy coadjutors of the present dominant party. Do you desire examples? Look to your former and present cabinet; look to another branch of the Government; look to your ministers abroad, your Senators at home. I will not direct your attention to this hall, lest some of my New York friends might withdraw from me their present countenance. I will only refer you to my colleague, [Mr. THOMAS,] who sits by me. His political experience will inform you how easy it is to have washed out the deepest dye of federalism, even if derived from the blood of forefathers. He will tell you that this broad mantle of modern democracy is a convenient covering; it suits all ages, descriptions, opinions. Come under its shade, and all doubts are dispelled, all constitutional scruples overcome, all difficulties removed. In matters of policy, think what you please, entertain what sentiments you please, guess what you please; but express no opinion until it is officially announced: then go for it, right or wrong. That is modern democracy.

But to return, for a moment, to this compromise bill, this "obnoxious, corrupting measure." What was the situation of the country at the period of its passage? The South, which had, for some time previous, been under considerable excitement, in consequence of what they believed to be the unequal operation of the tariff laws, were driven to desperation by that ill-timed, unprecedented measure, the proclamation. In his annual message, at the commencement of the session of 1832, the President, as if participating in the feelings of the South, admits that they had cause of complaint; calls upon Congress to modify the tariff, as unequal, oppressive, and unjust; induces them to believe that his efforts would be exerted to obtain relief, and have such modifications made as would restore peace and harmony to the then distracted country. This message was producing the effect of allaying the excitement in the South. All from that section of the country seemed disposed to await the constitutional interposition of Congress. The anti-tariff party hailed the message as a measure of peace—nullification was at a stand.

On the other side, the tariff party in the Northern States were alarmed at the indications given in the message, of a determination on the part of the Executive to sacrifice their interests to gratify his caprice in carrying out his notions of a judicious tariff. They began to feel that they were deceived, and were denouncing the President and his message, and about to resort to nullification themselves. In this state of affairs, when no new manifestation of opposition to the laws had been given in the South since the pacific message had been received, yet five days after its transmission to Congress the celebrated proclamation made its appearance.

Under all the circumstances in the then existing state of things, I viewed, as I now view, the issuing of that proclamation as the most atrocious of all the acts of General Jackson's political or military life. It had the effect, as I fear it was intended it should have, of driving to desperation our excited brethren of the South. The President had sympathized with them in his message but five days before, in the oppression and injustice to which they were subjected, by what he himself had denominated their oppressive burdens; he had promised that, so far as his efforts could avail, they should be relieved from those unequal laws; when, at the moment they were relying upon his voluntary pledges to grant relief, he issues his proclamation. I do not, Mr.

Chairman, wish to be misunderstood upon this subject. To many of the principles contained in that proclamation I give my most hearty assent, notwithstanding they were the doctrines of federalists in former times. But I believe it was issued at the time for the most unholy of purposes—for no other than those of producing civil war; of affording the President an opportunity of wreaking his vengeance upon his political opponents in the South, and of giving glory to his administration by witnessing the sword plunged in the bowels of his countrymen.

Every man who was here at that time felt as if an awful crisis had arrived; doubts existed upon the minds of many as to what should be done to arrest the impending storm; the members from the Northern States looked upon the vital interests of their constituents as forever gone, should the demands of the South be adhered to. They were combating for what they believed to be not only the constitutional rights, but the indispensable interests of their constituents. The South, deceived by the man whom they had been accessary to elect to the presidency, seeing that he had violated all the pledges he had made, and at the moment of professing sympathy for the wrongs which they had endured, denounces them as traitors, and calls upon the legislative branch of the Government to enable him, at the point of the bayonet, to execute those very laws which he had pronounced unequal and unjust. It was at a period like this that the compromise bill was projected. The provisions of that bill did not meet my entire approbation, nor did it that of many who supported it. I am sure it was not altogether such a bill as the distinguished Senator [Mr. Clay] who brought it forward would, under other circumstances, have preferred. But I take occasion here to say, that some who have since denounced that Senator and that bill, and who are now on this floor, friends of this administration, did at that time entreat his friends to urge him to interpose between the North and the South, as the only man who could restore peace and harmony to the country, and rescue it from civil war. If they were honest then, they are dishonest now; if they are honest now, they were dishonest then.

That distinguished Senator did throw himself into the breach, and, at the sacrifice of his popularity, projected, sustained, and carried through, that compromise bill; for which he merited the thanks of his whole country, and particularly those of the South. He had opposed to him upon that occasion, in another branch of the Legislature, some of his warmest friends, men of the highest order of talent, who honestly believed that the rights and interests of their constituents would be compromitted by the passage of the bill; he had to meet the vindictive and insidious attacks of his political opponents, who used every means to defeat, though they dared not vote against, the bill. Through all this, one of the most eventful periods of his political life, with the most agonized feelings, justly apprehending the most direful consequences if this, or some other such measure, were not adopted, he sustained himself against friend and foe, as he has always done when his country was in danger, whether from external or internal causes, to the admiration of all who witnessed his brilliant, his powerful efforts. By this measure he saved the Northern interests, and by this measure he spared the shedding of Southern blood. How has he been rewarded? Charged, upon the one side, with having sacrificed the tariff interests; on the other with continuing it as a "curse upon the country." This is the measure and this is the man which call down such heavy denunciations from the honorable chairman of the Committee of Ways and Means.

Another gentleman from the city of New York, [Mr. Moore,] in a long and vehement speech, which he has obtained much credit for delivering, designated the two great political parties as the "democracy and aristocracy of the country;" the one an advocate for the rights of the people, the other a "political amalgamation and jugglery." Democracy, he says, "protects the rights and liberties of the people; wealth and aristocracy are enemies to freedom." All such professions are made for political effect. I have no very great respect for the opinion of those who endeavor to create invidious distinctions in the social relations of life. The politician who attempts to excite prejudices between the rich and the poor, the mechanic and the employer, is no friend to freedom; his object is to raise himself into distinction, regardless of the consequences to those he is endeavoring to deceive.

If the dominant party do appropriate to themselves the name of democracy, and attach to the minority that of aristocracy, be it so. After having abandoned all its tenets, brought into disrepute all its principles, if they still desire to hold to the name, it is an additional evidence of a further determination to deceive the people. But they will not longer be deceived; they begin to feel that this modern democracy is too chameleon-like for their perception, is composed of too discordant materials for consistency, and too great an amalgamation of contradictory opinions—of men in favor and against internal improvement; tariff and anti-tariff; masons and anti-masons; federalists and anti-federalists; but none, no, not one, holding and acting what Washington, Jefferson, and Madison, understood to be republican principles. Then take to yourselves the name of democracy, but be honest, and avow what it means—sworn adhesion to this administration, with a pledge even to Martin Van Buren forever.

I will now, Mr. Chairman, call the attention of the committee, and that of my colleague [Mr. Thomas] in particular, to the few remarks I intend to submit.

It will be recollected that some weeks since, resolutions, which had passed the Legislature of Maryland, were forwarded by the Governor of that State to their Senators and Representatives in Congress. Resolutions from other States, upon the same subject, had been presented both in the Senate and this House, and in every instance, when desired, printed. In fact, sir, resolutions coming from any State were so uniformly received and printed, that it could not be supposed that Maryland alone should be denied this courtesy. It was, therefore, with the utmost surprise I saw my colleague from the upper district of Maryland [Mr. Thomas] rise from his seat and object to the reception or printing of two of that series of resolutions.

[Here Mr. F. Thomas rose and explained, that it was not to the printing, or the contents of those resolutions, to which he objected, but it was to the time; and he protested against the opinion of the Legislature being considered as the expression of the voice of the people of Maryland; and expressed at some length his opinions in relation to the constitution of the State, which gave an unequal representation in both branches of the Legislature.]

Mr. Jenifer said he did not desire to do injustice to his colleague, and therefore would read his remarks, as published in the Globe, which he now called on him to admit or deny. Mr. J. then read from the Globe as follows:

"Mr. Thomas said he was misunderstood by his colleague. He did not object to the reception of these resolutions on account of their contents. It was unnecessary to read them. He knew they professed to express the voice of the people of Maryland. Now, whether they attempted to give that voice as to one question or another, he should equally protest against their reception this morning. The House has suspended its rules to receive petitions, and such resolutions as will give rise to no debate. Whenever any resolution shall be presented, designed to produce impressions as to the opinions of the people of Maryland, he desired to have an opportunity to show that the Legislature of Maryland ought not to be considered a fair exponent of the popular will. The character of the Government of that State is such, that the majority have been ruled by the minority for years. Under such circumstances, it ill becomes any man to parade before the country resolutions of the Maryland Legislature as evidence that the people of the State are for or against any particular measure of national policy. Let the gentleman present his resolutions on next Monday, or any other day, when the rules of the House do not forbid all explanation or discussion; and then he (Mr. T.) would take care to make such explanations as to the organization of the Government of Maryland as would guard against false impressions. He would show that, in consequence of the unjust apportionment of representation, two thirds of the people might be for, and yet two thirds of the Maryland Legislature would be against, any particular measure of national policy. If gentlemen are disposed to do that which is fair, they will not press the presentation of these resolutions now, when all explanations are out of order."

Mr. **Thomas** answered that he could not vouch for the verbal accuracy of this report of what he had said on a former occasion, but he was certain that the opinions imputed to him in the article referred to were entertained, and he believed that they had been substantially expressed, when the resolutions of the General Assembly of Maryland, as to the power of either House of Congress to expunge from its journal any part of the proceedings of the body, had been presented.

Mr. Chairman, (said Mr. **Thomas**,) since I have been unexpectedly called on to perform a part in this strange scene, I hope the committee will permit me to go beyond a mere response to the inquiry of my colleague. My course respecting these Maryland resolutions has been most strangely misapprehended and perverted. Notwithstanding repeated positive contradictions by me, it has been again and again alleged that I have objected to the reception and publication of these resolutions of the General Assembly of Maryland. If this averment had been accompanied by that qualification, without which manifest injustice must be done to me, I should not detain the committee, and interrupt the business before it, to make another remark.

Sir, what are the circumstances under which these resolutions were presented? We all know that, by the rules of this House, after thirty days of the session have transpired, petitions cannot be presented unless by special order, except on the first day in each week when the House is in session. Resolutions and other proceedings of the State Legislatures, designed to be presented to Congress, have always been treated by this House as memorials, and, as such, are receivable when petitions from the people are in order. Before the resolutions from Maryland were offered, the resolutions from Kentucky, recommending a distribution of the proceeds of the sales of public lands, had been presented, and were entitled to be considered on the morning of the first day of each week of the session, to the exclusion of all other business.

The protracted discussion to which the Kentucky resolutions gave origin induced the House, on the morning when the Maryland resolutions were offered, to suspend the rules so as to permit the presentation of such petitions, memorials, and resolutions, as would cause no debate. For that purpose the States were called in order; and when resolutions from Maryland were called for, one of my colleagues [Mr. **Washington**] rose, and presented the resolutions of the General Assembly of that State respecting the land fund; and, immediately after, my colleague [Mr. **Jenifer**] presented the resolutions of the same body as to the power of each House of Congress over its own journals. I now repeat, I did not object absolutely either to the reception or publication of these resolutions; but I requested my colleagues not to present them at that time, but to offer them when the rules of the House did not forbid debate, saying that I desired to offer some reasons to show that the Legislature of Maryland, as at present organized, had no right to speak for a majority of the people of the State. These explanations are superfluous here, but they may be useful elsewhere; for without them gentlemen may make a false issue before the people of my State, to my prejudice, and evade dexterously the only issue which I have tendered, and am prepared to try. We receive, and I have voted to receive and to print, petitions from individuals; and I could not and did not therefore protest against the reception of these resolutions. I was willing to receive them on a suitable occasion, and to order them to be printed, after an opportunity had been offered to me to show that they ought not to be considered conclusive evidence of the voice of the people of Maryland, but be treated as the opinions of sixty or seventy highly respectable and influential citizens of the State. The sensibility which has been displayed on this subject is somewhat surprising. These resolutions are intended to influence the legislation of Congress, by proclaiming the will of the Legislature of one of the States of the confederacy. And in the absence of those explanations which I have desired to make, this House and the country would suppose that the majority of the people of the State coincided necessarily in opinion with a majority of the members of the Legislature; because few would imagine that a high-spirited people lived submissively under a form of government where the majority cannot control either branch of the Legislature.

If it can be shown, however, that the men who have undertaken to speak for Maryland have not full authority to do so, ought it not to be done? No fair man can wish to conceal any fact calculated to confer precisely on these resolutions the influence to which they are entitled. Those by whom they have been presented must be responsible for the developments to which they may give rise.

I have said that the opinion of the Legislature of Maryland is not good evidence that the people of the State are for or against any mesaure of national policy, and will pause to present a few facts corroborative of that declaration.

The Senate of Maryland is chosen once in five years by an electoral college, composed of forty members. Each of the cities of the State is entitled to elect one, and each of the counties two, of the members of that college. Consequently, the people of Calvert, one of the counties represented here by my colleague, being in number only 8,899, have as much influence in the choice of State Senators as 45,793 inhabitants who are residents of the populous and wealthy county from which I come. And the city of Baltimore, with a population of 80,625, has no greater influence in the selection of our State Senators than that enjoyed by the city of Annapolis, wherein there were but 2,632 inhabitants when the census of 1830 was taken. No one, then, will contend that Senators thus chosen have a right to speak for the majority of the people of Maryland.

The condition of things in the House of Delegates is, if that be possible, still more insufferable. That body consists of eighty members; and, of these, each city is authorized to elect two, and each county four; and, thereby, in that which ought to be the popular branch of the Legislature, ten counties and one city, having less than seventy-three thousand of the white population of the State, have the power to elect a majority of the members of that House, which in conjunction with the Senate, enacts all the laws that touch the lives, liberties, and property, of all the white inhabitants of Maryland, who exceeded, according to the census in 1830, two hundred and ninety-one thousand. Mr. T. said he had referred to the number of white inhabitants, to support his positions, because he had been called on unexpectedly to speak, and did not at the moment recollect the number of all the inhabitants of the State. But that there may be no pretext for misrepresenting my motives for making the reference, I will apply another test to the State constitution of Maryland, and for that purpose will compare the representation in the House of Delegates, from the districts represented here by two of my colleagues and myself, who are friendly to the administration, with that of three of my colleagues who are in the opposition. This mode of ascertaining whether the House of Delegates can, of right, speak for the people of the State, will not be objected to by any fair man, since each congressional district has, very nearly, equal federal numbers.

In the House of Delegates there are—		*Members*
From Mr. Jenifer's district, - - -		16
From Mr. Steele's district, - - -		12
From Mr. Pearce's district, - - -		20
		48
From the double district of Messrs. McKim and Howard there are	8	
From Mr. Thomas's district,	10	
		18
Difference, - -		30

Here, then, are facts produced which prove incontestably that the material allegations made by me, when the Maryland resolutions were presented, are true. No one will have the effrontery to contradict these statements; and they show that the majority of the people of Maryland have been and are ruled by a meager minority. These facts ought to be known here, and to the whole country, that the resolutions which have been paraded before the House may be properly appreciated. They ought to be known, too, that the means by which party triumphs in Maryland are often gained may be understood every where; and that enlightened and liberal men of all parties may, with one voice, denounce the injustice and tyranny of those who resist all attempts to amend a constitution unworthy of the age in which we live. It is monstrous to behold a constitution, in this liberal era of the world, by the express provisions of which one third of the people living under it have absolute power to choose all the members of the Senate, and a majority of the members of the House of Delegates, and thus govern and give law to the other two thirds of their fellow-citizens. This being the case, the allegations heretofore made by me were fully warranted, and the pledges made have been redeemed. Instead of meeting the only issue I have made, and attempting to show, first, that the Legislature is not organized as I have averred, or, secondly, that our State Legislature may be relied on when it attempts to speak for the majority of the people, my colleague has avoided these matters, and has given his whole attention to things of secondary import. He has reproached me for having omitted to make these expositions of the character of our State constitution, when one of my colleagues [Mr. McKim] presented certain resolutions of the General Assembly of Maryland, and when another of my colleagues [Mr. Howard] offered other resolutions of the same body. My justification is very easy, and can be made in a very few words. The resolutions referred to did not relate to measures of national policy equally interesting to all the people of Maryland; and I did not think that the presentation of them afforded the best and most suitable opportunity to make the explanations which I have submitted, and which, my constituents had a right to expect, would be made by me, when a suitable occasion presented itself.

Mr. Jenifer continued. I know they were not the remarks as delivered, but they were published, and have gone to the world as such; and as they were calculated to deceive, and intended to operate here and elsewhere, I must be excused for referring to them.

It will be seen that my colleague has endorsed the report of his speech in the Globe; and although he says he did not object to the reception of the resolutions on account of their contents, I will undertake to show, from irresistible inference, that it was to the contents alone to which he did object. [Mr. Thomas interrupted, and asked whether his colleague intended to impeach his motives.] I do not mean to impeach the motives of my colleague, because it would be unparliamentary so to do; but I mean to state facts, and leave it for the committee to say what inference is to be drawn from those facts. The resolutions, to the printing of which my colleague objected, were in relation to "a distribution of the proceeds of the public lands," and against the "expunging from the journals of either House of Congress the whole or any part of their proceedings."

The first of these resolutions reads as follows:

"By the House of Delegates, *April* 1, 1836.

"*Resolved by the General Assembly of Maryland,* That each of the United States has an equal right, in its just proportion, to participate in the benefits of the public lands, the common property of the Union.

"*Resolved,* That the Senators and Representatives of this State, in the Congress of the United States, be requested to use their exertions to procure the passage of a law to appropriate to the use of the different States of the Union such part of the proceeds of the public lands of the United States as may be equitable and just, and in accordance with the public interest.

"*Resolved,* That his excellency the Governor be requested to communicate a copy of the aforesaid resolutions to each of the Senators and Representatives of this State in the Congress of the United States."

Mr. Chairman, it will not be forgotten that resolutions have been received and printed, during the present as well as former sessions, from other States in the Union, in relation to this particular subject, and from Maryland upon other subjects: one asking for a survey of certain rivers on the Eastern Shore of Maryland; another for indemnity for French spoliations; and on the same morning that the above-referred-to resolutions were objected to by my colleague, he permitted another of his colleagues [Mr. McKim] from the city of Baltimore to present, have printed, and referred to the Committee on Roads and Canals, resolutions passed by the same Legislature, and forwarded at the same time, without any objection whatever; and yet my colleague from the upper district of Maryland would have you believe that it was not the contents of those resolutions to which he objected. I will here do justice to my colleague from the city of Baltimore, [Mr. McKim.] When these several resolutions were received, he, as the senior Representative, was consulted as to their presentation. He took charge of those in relation to the survey of the Chesapeake bay and Susquehanna river; another colleague, those in relation to the French spoliations; a third, those in favor of a distribution of the proceeds of the public lands; and I, myself, those against expunging. The two former were received and printed; the two latter were objected to by my colleague, [Mr. Thomas.] My colleague from Baltimore did no more than his duty required of him. No matter what may have been his opinion of the constitution or Legislature of his State, he felt, as every Representative should feel, that these enactments were at least entitled to a respectful consideration; and however he may have differed in political opinions from them, they, as the immediate representatives of the people, had a right to expect the same courtesy which had been extended to every other State. I do not, Mr. Chairman, mean to go beyond parliamentary rules, by attributing motives. But I will ask, if the Governor of the State of Maryland had forwarded resolutions passed by the Legislature of the State, condemning the distribution of the proceeds of the public lands, or approving the expunging resolutions of the Senate, is there a member of this committee, knowing his political bias, who would have doubted for a moment that my colleague would have objected to the reception or printing of the one or the other? or that he would have complained that the Legislature of Maryland was not "a fair exponent of the popular will?" This is intended to convey the impression that the Legislature is so constructed as not to express the voice of the people; and when he adds, "that the character of the Government of the State is such, that the majority have been ruled by the minority for years," it clearly implies that the Legislature have been misrepresenting their constituents.

I regret that, in the war waged by the General Government against the rights and interests of the States, my colleague should have taken his stand in support of the former against the latter, and should have pursued a course in relation to his own State calculated to bring into disrepute her constitution, her Legislature, and her people. He admits that he has no respect for, but holds in contempt, her constitution; he charges upon the Legislature a misrepresentation of the interests and opinions of their constituents; and therefore reflects upon the people themselves for having framed and approved this constitution, and for adhering to the Legislature of their own voluntary selection. But why come here to complain of the constitution of Maryland? Does he desire that this House or this Government should reorganize it? or does he intend to invoke the aid of this administration to assist in the reform which he and his friends are now attempting throughout the State? Sir, we want no interference from this administration, or the officers of this Government, in the regulation of our affairs; we have had enough already of intermeddling in our elections, by their dependants; but the honest intelligence of the people has withstood all these efforts at corruption. I am aware that Maryland has been pledged to the support of Mr. Van Buren; but she has not yet been delivered over. Nor have we any apprehension, notwithstanding the bold attacks made upon her constitution and her Legislature, and the inducements held out to her people, but that she will be found resisting to the last all efforts to bring her in subjection to the administration, or to transfer her over to the successor. I confess I do feel a pride and gratification to be a Representative from a State, and of a district immediately adjoining, and almost surrounding, the seat of this Government, whose people have had the firm independence to withstand the temptations, however other districts and other States have yielded to the allurements of power and patronage.

My colleague, to show that "the Legislature ought not to be considered a fair exponent of the popular will," refers to the manner in which the Senators and Delegates are elected. He complains that the smaller counties have an equal representation with the larger; that his congressional district is entitled to but ten members, whilst the district represented by one of his colleagues has twenty, on the floor of the House of Delegates. This is all true. But does my colleague mean to induce a belief that the Delegates from the counties of his district were opposed to the resolutions in favor of a distribution of the proceeds of the public lands? If so, I will show from the journal of proceedings of the House of Delegates that he is either deceived himself, or is attempting to deceive others. What are the facts? The popular branch of the Legislature of Maryland is composed of eighty members, nineteen counties each sending four, and two cities each sending two. When the resolutions in relation to the public lands were under consideration, the first, as far as the journals show, passed without a dissenting voice; the second, to which I ask the attention of the committee, is—

"*Resolved*, That the Senators and Representatives of this State, in the Congress of the United States, be requested to use their exertions to procure the passage of a law to appropriate to the use of the different States of the Union such part of the proceeds of the public lands of the United States as may be equitable and just, and in accordance with the public interest."

Upon this resolution the ayes and noes were taken, and out of the whole number of the House of Delegates, including twenty-five in favor of Mr. Van Buren, but three recorded their votes against it—one from the city of Baltimore, and only two of the ten members of my colleague's district, and not one from his own county. Who, I ask, has misrepresented his constituents? my honorable colleague, who goes against the Legislature of his State, the people of the State, and his own district, or the Van Buren members of the Legislature who voted for the land resolutions? Thus, it appears that he goes against his State, his district, his own county, and even the Van Buren party of his State, to further the views of the party here. Disregarding the opinion of his State, as expressed by a unanimous vote of her Senators, and with but three dissenting voices in the popular branch, yet he says "it ill becomes any man to parade before the country resolutions of the Maryland Legislature, as evidence that the people of the State are for or against any particular measure of national policy." Mr. Chairman, I am sure you will agree with me that the annals of legislative proceedings do not exhibit a more flagrant violation of representative duty than is here developed.

The subject of the public lands has long since been looked to with great interest by the people of Maryland. As far back as the year 1821, their attention was more particularly directed to it by an able report made in her Senate by a member of that body, now high in office under this administration; upon which resolutions were passed in both branches of the Legislature, without I believe a dissenting voice in either, calling upon her then Senators and Representatives in the Congress of the United States to endeavor to procure the passage of an act to carry into effect the principles therein set forth. It may not be improper to remark, that at that period the Senate was composed of the federal, and a majority of the House of Delegates of the old democratic party—for our new distinctions had not then grown up. In 1832 their attention was again called to the subject more particularly, in consequence of the very luminous and conclusive report made to the Senate of the United States, accompanied by a bill, by the distinguished Senator from Kentucky. The provisions of that land bill met their approbation; and so important to the interests of her State, and the Union generally, did the Legislature view its passage, that they adopted resolutions, which were again forwarded to her Representatives here, which were presented, received, and printed, without any opposition whatever from my colleague, who then had a seat on this floor. But up to that period the President's opinions were not known; he had not then vetoed the land bill. Since when, it seems to be the determination of the party to retain in the Treasury, at the disposal of the Executive, all the surplus revenue which cannot be squandered away upon useless fortifications and Quixotic expeditions. I think I have satisfied the committee that my colleague is mistaken, when he says it was not to the contents of the resolutions to which he objected, and that he has failed to make good his pledge to show "that the Legislature of Maryland ought not to be considered a proper exponent of the popular will."

Upon the subject of the distribution of the proceeds of the public lands, (however political divisions may have, in other respects, distracted the State,) there has been but one opinion. Looking to her rights as well as to her interests, Maryland has, upon all occasions, viewed this measure as one of the highest importance; and it has been approved by all political parties. In 1821, it received the sanction of a federal Senate and a democratic House of Delegates; in 1832, it passed again both branches of the Legislature; and, in 1836, the Van Buren and anti-Van Buren parties united in supporting it; for the former did not dare to go against it. Thus, whenever it has been before the Legislature, amidst all the conflicts of parties, the principles of the land bill have been approved, and the people of Maryland have always sustained their Representatives who advocated it.

The declaration that "the character of the Government of the State is such that the majority have been ruled by the minority for years," is such a bold assumption, contrary to the facts, that I must ask the indulgence of the committee whilst I relieve the Legislature from so unjust and so extraordinary a charge.

I am well aware that frequent attempts have been made, not only to deceive the people of Maryland upon this subject, but to induce an impression here and elsewhere that if the vote of the State, at the presidential election of 1832, had been taken by general ticket, and not by districts, as it was, the State would have been for Andrew Jackson. Now, Mr. Chairman, by reference to the returns of that election, the majority of the aggregate vote of the State was upwards of 1,000 votes against the present incumbent! And, since that period, the whigs of both branches of the Legislature have changed the mode of election from district to general ticket; which, had they done before, the whole electoral vote of the State would have been against the present incumbent, as we have no doubt it will, at the ensuing election, be against his nominated successor. Again: the returns of 1835 show that had the Representatives for Congress been elected by general ticket, as in Georgia and other States, my colleague from the upper district of Maryland would not now be honored with a seat on this floor. So with regard to the House of Delegates in 1834. In that year there were but four counties out of nineteen in favor of President Jackson's administration; and even the city of Baltimore returned Delegates against him; and more, the three counties represented by my colleague returned but two members out of ten favorable to his administration. The House of Delegates, in 1834, stood, whigs 62, for Jackson 18. How was it in 1835—the present Legislature? In the House of Delegates, 55 anti-Van Buren, 25 Van Buren. Of those 25, one member was returned from each of six counties which gave majorities against Van Buren. Therefore, take those six from his vote, and there would be but nineteen members out of eighty, in the popular branch, in favor of Mr. Van Buren; and yet my colleague asserts, boldly asserts, "that the majority has been ruled by the minority for years, and that the Legislature of Maryland ought not to be considered a proper exponent of the popular will."

Mr. **Thomas** here expressed a hope that his colleague would forbear to press this discussion now, when the House must be impatient to proceed with the business immediately before it, and would publish what he had intended to say, when he (Mr. T.) would reply to it if there was any thing which required notice from him.

Mr. J. replied. I can assure my colleague that I shall say nothing I am not willing to print, or print any thing which I would not say; nor will I say or print any thing for which I am not responsible.

Mr. **Thomas** rose, and inquired whether he was to understand that his colleague had said any thing which was to be considered personal.

Mr. J. said, no, sir; not at all.

Then (said Mr. **Thomas**) I have nothing more to say.

Mr. J. resumed. My colleague complains that the representation in Maryland is unequal in another respect; that the smaller counties have a much larger ratio of black population, in comparison to the white, than the more populous ones. It was not to have been expected that such an objection would have been advanced by any member from a slaveholding State, and at a time, too, when the rights of those States are in danger of being invaded; when the country has for months been almost convulsed by the efforts of the abolitionists, that he should furnish them with an argument in furtherance of their unholy plans. Does not my colleague know that one of the strongest complaints urged by those Senators of the North is, that the slave population of the South should be represented in the Congress of the United States? Yet he charges it against his own State. But, sir, upon this subject I have done.

I have trespassed upon the patience of the committee much longer than I had intended or desired, and owe an apology for having so far travelled out of the question immediately before it. I have heretofore refrained from occupying the time of the House, lest it might be said that there was a disposition to delay the passage of the appropriation bills; nor would I to-night have said one word, had I believed that a more appropriate opportunity would have been afforded. But it was only this morning that the resolutions from the State of Kentucky, in relation to the proceeds of the public lands, received what I believe to be their final disposition. And I have no idea that the bill from the Senate upon the same subject will be permitted to be discussed in this House. Under these circumstances, and when weeks have elapsed since the Maryland resolutions were presented, and objected to by my colleague, and still remain without being noticed, I hope I may be excused for having thus long detained you.

One other remark, sir, and I shall have done. The same Legislature which passed those in relation to the public lands passed also the non-expunging resolutions. And as the printing of them was also objected to by my colleague, I will read them for the information of the committee:

"By the House of Delegates, *March* 2, 1836.

"Whereas, by the fifth section of the first article of the constitution of the United States, it is provided that each of the Houses of Congress shall keep a journal of its proceedings; and whereas the Senate of the United States, in the year 1834, at the first session of the twenty-third Congress, did, in its legislative capacity, pass the following resolution:

"'*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both;'

"Which resolution consequently became a part of the proceedings of the Senate at that session: And whereas attempts are now making, in several of the States of this Union, to cause said resolution to be expunged from the journal of the House; which, if carried into effect, will cause said journal not to be a record of the proceed ings of the House, but of a part of its proceedings, in utter disregard of the provision already cited of the constitution of the United States: And whereas the power to expunge the record of any portion of the proceedings of the Senate necessarily implies the power to expunge or efface the whole, and may leave the country at any time, (if a bare majority should deem fit,) without an official record of the proceedings of one or both branches of the National Legislature:

"And forasmuch as the people of the State of Maryland, to whom the federal constitution is dear, by whom it has been ever cherished, and who are determined at all hazards to maintain it, view with deep solicitude this alarming infraction of one of its important provisions, and are desirous to record their solemn protest against its violation: Therefore,

"*Resolved by the General Assembly of Maryland,* That the expunging from the journal of either House of Congress the whole or any part of the proceedings of the body is a manifest and dangerous violation of the constitution of the United States; and be it further resolved, that our Senators and Representatives in Congress be requested to use all constitutional means to prevent a measure fraught with such danger to constitutional freedom.

"*Resolved,* That his excellency the Governor be requested to transmit a copy of the preceding preamble and resolutions to each of our Senators and Representatives in the Congress of the United States."

It will be seen that these resolutions refer to the fact that other States in the Union were making attempts to have expunged from the journals part of the proceedings of the Senate, the perpetration of which the Legislature of Maryland believe would be a "dangerous violation of the constitution of the United States." The States of Illinois and New Hampshire had expressed their opinions in favor of those proceedings, which were printed, and had been laid on our desks. But Maryland was against them; and this, no doubt, was mortifying in the extreme, that a State which had been pledged to the support of Mr. Van Buren should, immediately under the eye of the Executive, dare to raise her voice against his will. I was anxious that these resolutions should be printed, that you and the country might see, however subservient other men and other States might be to the will and power of one man, that the people of Maryland, whom I have the honor in part to represent here, are determined to stand by the constitution of their country, to endeavor to save it from the unhallowed mutilation of the minions of power, and rescue it from the grasp of executive encroachments.

Mr. EVERETT then moved to amend the amendment pending, for $700,000 for the armament of the fortifications, by reducing the sum to $300,000; which, after some remarks by Messrs. CAMBRELENG, WISE, MERCER, and PHILLIPS, was lost.

Mr. GRANGER moved to reduce the sum to $500,000; lost.

The amendment was then agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, then moved a variety of amendments to the bill; others were also moved by other gentlemen, some of which were agreed to and others rejected.

At about half past 12 o'clock the committee rose and reported the bill and amendments to the House, and they were ordered to be printed.

The House then adjourned.

Wednesday, May 25.

ABOLITION REPORT.

The House resumed the consideration of the report of Mr. Pinckney, from the committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. Robertson, to recommit the report to the same committee, with instructions to report a resolution declaring that Congress has not the power to abolish slavery in the District of Columbia.

Mr. ROBERTSON resumed, and spoke about an hour in conclusion of the remarks which he had commenced on former days. Mr. Robertson's speech in full, as given from day to day, will be found imbodied in succeeding pages.

May 19th. After Mr. Bynum and Mr. Pinckney had addressed the House,

Mr. Robertson rose in reply to those gentlemen, and in support of his motion.

He said he ought, perhaps, to feel much honored by the special notice of so distinguished a leader of the great democratic party as the gentleman from North Carolina, [Mr. Bynum.] That gentleman, Mr. Speaker, seems greatly at a loss to comprehend my reasons for submitting the resolution now under consideration, which, in his opinion, it seems, is fraught with danger to the Union. Sir, I am not to be deterred from defending the rights and interests of my constituents, by groundless charges or apprehensions of danger to the Union. The Union is always in danger, in the estimation of the dominant party, from all who dare to resist its schemes or measures. Similar efforts were made by the federalists, when in power, to bring suspicion and odium upon the old republican party, by ascribing their opposition to French influence, and enmity to the Union. But, sir, I rise with no view of replying to remarks of this character, nor with the vain expectation of satisfying the gentleman from North Carolina. My object is to endeavor to vindicate the resolution upon your table, to the satisfaction of this House, and more especially of those who sent me here, and who have a right to know the reasons which influence my public conduct.

I must confess, sir, that to me it seems not a little strange, that objections should be so vehemently urged to this resolution by the gentleman from North Carolina and the chairman of the select committee. They both admit the justice of the principle it asserts, and are prepared, as they tell us, to sustain it by their votes; yet they are both unwilling that a direct vote should be had upon it, and resist every effort to bring it before the House. They denounce a measure they themselves proclaim to be just. Surely it ought to be a sufficient answer to these gentlemen to say, I urge it, on the contrary, because it is just, and asserts, as they themselves concede, the constitutional rights of the people.

But though this reason ought to be sufficient, there is an additional consideration, Mr. Speaker, by which I am influenced, the force of which none can deny. With me, it carries the weight of the most direct and positive instructions. I allude to the sentiments expressed throughout the whole Southern country, and more especially by my own State, in regard to the very question involved in the resolution. I set up no pretensions, sir, to be the exclusive representative of the South; but I may at least be allowed to understand something of the views and feelings of my native State. Are gentlemen aware that a resolution, denying the power of Congress to interfere with slavery, in the precise terms of the resolution on your table, was adopted by the General Assembly of Virginia during its late session, by an almost unanimous vote, and transmitted to each of her representatives on this floor? In taking the course, then, so much disapproved by these gentlemen, I do but speak the voice of my constituents—of the entire State, indeed, which I have in part the honor to represent; and maintain their rights upon the very ground they themselves have placed it. Knowing their wishes, and satisfied with the justice of their cause, I could not shrink from maintaining it, without being a recreant to my trust. Are gentlemen answered?

But we are told, if we press this question we must inevitably lose it; that there is an overwhelming majority against us. How have gentlemen ascertained the fact asserted with so much confidence? What vote has ever yet been taken, from which the sense of the House could be known.

[Mr. Pinckney explained. He did not say that he knew of his own knowledge that the resolution would be negatived. He merely apprehended that such would be the case. As the matter now stood, Congress was uncommitted on the subject.]

Mr. Robertson. Sir, I am opposed to all non-committals upon so vital a question. I desire to see a direct vote upon it. It is necessary that the people should know the extent of their danger, that means may be taken in time to provide against it.

The gentleman from South Carolina informs us that there are 34,000 names subscribed to the abolition memorials. Of these, about 15,000 are the names of females; the residue, nineteen or twenty thousand, of males; all of whom, perhaps, are entitled to the right of suffrage. These constitute the vanguard; the bold, the daring, the reckless, of the abolitionists. There are doubtless many more; double, triple, perhaps quadruple the number, who secretly wish well to the cause. It is impossible to measure the power and influence of this formidable band. I repeat that they have obtained all that they could rationally have anticipated; and even more. They must have known that they could not, at this session, procure the passage of a law abolishing slavery: it is not the proper time to press it. But they have succeeded in getting up agitation from one extremity of the Union to the other; and this report, in waiving the question of constitutional power, upon the ground now avowed, that a majority of Congress is prepared to assert it, is calculated to inspire them with fresh hopes, and to increase, rather than to allay, the apprehensions of the South. It is not to be expected that the abolitionists, under these circumstances, will desist from their nefarious schemes. I am unwilling, therefore, to give up the only barrier which can effectually protect us, without a struggle to defend it. I will not believe that Congress is disposed to wrest that barrier from us, or to deny us its protection. But, if such be the fact, let us know it, that, by an amendment to the constitution, we may put an end to a pretension so incompatible with our safety. It is for this reason, sir, I wish the question met and decided by a direct and unequivocal vote. I desire to see the rights of the Southern people rested, not on the fluctuating and capricious notions of moral obligation, or the shifting ground of political expediency, but on the firm basis of the constitution, on fixed principles, on principles which all may appeal to, and which are the same to-day, to-morrow, and forever.

[The morning hour having expired, the House proceeded to the orders of the day.]

May 21st. Mr. Robertson, who was entitled to the floor, again addressed the House.

I avail myself of the permission of the Chair, said Mr. R., to enter into a fuller exposition and vindication of the resolution I had the honor to submit a few days past, than I then had an opportunity of doing. This is due to myself, to those who sent me here; but, above all, to the solemn importance of the question, and the vast magnitude of the interests it involves. I shall endeavor, sir, to perform this task, for which, however, I am conscious of possessing no adequate powers, either physical or mental, as calmly and dispassionately as the nature of the subject will permit; and to abstain, if possible, from those exciting topics by which its discussion has been almost invariably characterized.

I have already assigned some reasons for dissatisfaction with the report of the select committee, and for the opinion expressed, that it would be considered as virtually surrendering the constitutional question. If it could have been met satisfactorily to the South, no sufficient excuse can be offered for waiving it; and all will believe it was avoided because of the difficulty of making good the position for which we contend. The chairman tells us, as an apology for taking this course, that the committee abstained from examining it, "because they were not instructed to discuss it." Sir, the instructions, so far from prohibiting this discussion, plainly authorized and required it. They enjoined it upon the committee to report that, "in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquillity among the various sections of this Union." Thus it appears that full latitude was allowed the committee in supporting the conclusions which the House desired to see maintained; and what stronger reason could they have assigned, than that the proposed interference with slavery in this District would be a direct infraction of the constitution? This reason alone would have been sufficient. It embraced all the positions the House had taken; for, if the measure could be shown to be unconstitutional, it must, of necessity, be a breach of faith, unwise, impolitic, and dangerons. Sir, the committee were not justified in omitting to interpose this constitutional barrier in defence of the rights they were instructed to maintain.

Independently of his instructions, the chairman of the committee, especially, stood bound to demonstrate the unconstitutionality of the proposed interference. In a letter to which his name is affixed, addressed to the electors of the Charleston electoral district, (South Carolina,) he uses this language:

"And now I ask my fellow-citizens seriously to consider, and candidly to decide, whether, as I have already succeeded in obtaining a solemn declaration by Congress that 'any interference with slavery in the District of Columbia would be a violation of the public faith,' if I should also succeed in procuring the adoption of a report, insisting and demonstrating that a violation of the public faith is unconstitutional, and that therefore, and upon that ground, Congress will not, and ought not to, interfere in any way with slavery in the District of Columbia: whether doing this, I really deserve to be stigmatized as a traitor to the South."

Sir, I will apply no such epithet to the chairman of the committee, whether he succeed or fail. But is he likely to realize the expectations he has raised? Does not the report declare that the committee have abstained even from the examination of the constitutional question? It is true that, in another part of the report, the ground indicated in this letter is approached. Even there, however, it is not directly occupied. It is not alleged, nor demonstrated, that a breach of faith is unconstitutional; but that, to prove the act in question a breach of faith, is tantamount, in its binding obligation, to a positive declaration that it would be so. The moral obligation does not necessarily import a constitutional obligation, but is something of equivalent force. Not satisfied, however, with this position, the report goes on to insist that the moral obligation is even more efficacious:

"What is the meaning of the declaration adopted by the House, in relation to the District of Columbia? Is it not that Congress cannot and will not do an act which it has solemnly proclaimed to involve a violation of the public faith? Does it not afford every security to the South which it is in the power of the Federal Government to afford? Is it not tantamount, in its binding obligation upon the Government, to a positive declaration that the abolition of slavery in the District of Columbia would be unconstitutional? Nay, is it not even more efficacious in point of fact? Constitutional provisions are matters of construction. The opinion of one House upon an abstract controverted point may be overruled and reversed by another. But when Congress has once declared that a particular act would be a violation of the public faith, is it to be supposed that it would ever violate a pledge thus given to the country?"

The whole stress of the argument is to prove, not that to violate the pledge would violate the constitution, as the letter proposes, but that such a pledge gives a security equal, or even superior, to the constitution itself. But does not every man see that this argument is unsound and fallacious? I confess I was surprised to hear it addressed at this time of day to the representatives of the American people—by a gentleman, too, coming from the South.

What folly was it in our ancestors, if this be so, to spend days and months in anxious deliberation, framing written constitutions for each of the States and for the Union, containing guarded limitations against abuses of power? Why did they not discover the superior efficacy of this moral obligation which prohibits every act that violates good faith between man and man, and reposes the rights of their countrymen upon the good faith, the good sense, and the justice, of those who are to administer their Government? If, as the report declares, a succeeding Congress may reverse the opinion of a prior one, in reference to the construction of a written constitution, may they not also controvert an opinion in respect to the existence or efficacy of a moral obligation? Must there not exist even greater contrariety of opinion, upon questions of moral propriety, than of legal construction?

Sir, if the chairman of the committee could have placed the rights of the District upon the ground of the constitution, he has neglected to place them upon the strongest of all positions—upon the only ground on which they can long or successfully be defended. I cannot agree that notions of moral obligation, merely, are higher security than the positive injunctions of our fundamental law. As our sole dependence, they are not worth a rush. Give us the constitution as our defence; we want no higher security. We had a right to expect this from him. It has been affirmed on this floor by one of my colleagues, [Mr. WISE,] that the chairman gave an explicit pledge that the question should be placed upon that ground. I have heard no denial of this statement. But the gentleman, I observe, is not now in his seat, and I forbear, therefore, to make any further remark upon that subject. Perhaps he will insist that he has redeemed his promise—that he has convinced, or will convince, the House, that every breach of good faith is a violation of the constitution. I fear he will find himself mistaken; but if not—if he shall succeed in producing this conviction—then the House, I trust, as well as himself, will concur in supporting the resolution now under consideration. If the majority shall be of opinion that the measure is unconstitutional, and will unite in saying so, it is immaterial by what course of reasoning each may arrive at that conclusion. Let us declare the opinion that it is a violation of the constitution, and each reconcile his vote to his constituents, or his own conscience, upon whatever grounds his judgment may best approve. It is to the constitution, Mr. Speaker, that those whom I have the honor to represent, nay, sir, the entire State, itself, from which I come, acting through her immediate representatives, has appealed for protection.

I have already adverted, Mr. Speaker, to the resolution on this subject, adopted at the last session of the General Assembly of Virginia, of which the instruction I have moved is an exact copy. That resolution was adopted in the House of Delegates by a vote of 106 to 13. It was offered, permit me to say, not by one of those whose patriotism might be questioned, on the ground of opposition to the ruling powers, but by one of the orthodox faith—by a stanch friend of the administration. The administration majority in that House almost unanimously, perhaps without an exception, sustained it. Nor does Virginia alone assume this position; the Legislatures of Georgia, Mississippi, and Louisiana, if I have not been misinformed, have adopted similar resolutions; one of them, perhaps, going still farther, and threatening to secede from the Union if any measure should be adopted endangering the security of the slaveholding States. I do not advert to these threats as approving them; they ought, perhaps, never to be made. It will be time enough to talk of secession when the crisis shall arrive, if it ever should, when no other alternative is left us but to sever the Union or surrender the rights it was intended to protect. But such language shows, what ought to be known, the danger to result from countenancing, in any way, the schemes of the abolitionists.

The States of South Carolina and Alabama, also, it is said, have denounced the measure in question as a usurpation. This is precisely equivalent, all will admit, to a declaration that it is unconstitutional.

Thus six Southern States have concurred in pronouncing the contemplated interference an infraction of the constitution. With this fact before us, who shall condemn their Representatives, believing that ground to be just, for maintaining it on this floor.

But, say gentlemen, where is the policy of assuming this position? There is an overwhelming majority against you! The gentleman from South Carolina [Mr. PINCKNEY] asks, why occupy this ground, with a moral certainty of being driven from it? Sir, the same rules that should govern us in our private transactions should govern us in our representative character. In both, honesty is the best policy. This may not be the politician's creed; and, if not, I thank God, I am no politician. The gentleman from North Carolina [Mr. BYNUM] can see no reason for pressing this proposition, unless it is that the party, with which he supposes me to act, are more accustomed to defeats than he is. Sir, it may be so. I vote for every measure which I consider constitutional, and beneficial to my country; otherwise I vote against it, and never stop to inquire whether the administration party, or the opposition, vote with me or against me. The idea of being in a minority has for me no terrors. We may be defeated by this overwhelming majority; but in contending against it, the fewer our numbers the greater the honor of the struggle.

In vindicating the claims of the South, on the very grounds it has assumed, I trust her representatives will be united. In an early period of the discussions on this subject, this was the view, as I understood it, of almost the whole Southern delegation; especially of that of my own State. My colleagues, three of whom now sit near me, were, for the most part, decidedly of opinion that we should insist upon a direct and unequivocal vote, a disclaimer of the power to do what the abolitionists demanded. In a speech delivered by one of them, [Mr. GARLAND,] much commended in the loyal prints of the day—and I do not mean to question its merits—I find this passage: "But, say gentlemen, why press the constitutional question now? I reply, we press it from the most urgent and imperious necessity. It is due to our safety, to our quiet, that we press it. Every other form in which this question has been presented has failed to secure us against the repetition of these memorials and petitions. Nothing, it seems, short of a declaration on the part of Congress of their want of constitutional power, will restrain these fanatical crusaders from seeking the intervention of Congress in aid of their diabolical schemes, and perpetually harassing the country."

[Mr. Garland rose and said he not only had taken the ground, as stated by his colleague, but desired distinctly to repeat that he still adhered to it.]

Mr. Robertson. I did not suspect my colleague of any intention to abandon it; nor will I believe there is one of them who has maintained it, that can be seduced or driven from it. They are prepared, I trust, to meet all the consequences it may involve; to make a voluntary sacrifice, if necessary, of political prospects, of life itself, sooner than shrink from what they consider their duty to their country and its constitution. They are assigned to defend the pass which may lead to its destruction. In defending it, hopeless as it may seem, they may maintain it; or, should they fail, may yet afford time for those whom they would protect to prepare for a better defence.

We are stationed on the ramparts of the constitution. Shall we be induced to march out of our safe entrenchments and meet the enemy in the open field? Sir, if the commander-in-chief, on a memorable occasion, had committed this folly, we should never have heard of the glorious victory of New Orleans. No, sir; never let us give up the strong-hold of the constitution. Let us not repose too much confidence in the good faith or the justice of those who have power over our lives or our liberties. Those who trust too much to the mercy of men in power may possibly realize the fate of the unfortunate Texians who fell at Goliad. They may surrender at discretion, and be destroyed in detail—murdered by divisions. For myself, if I stood alone, never but with life would I yield up the citadel of our rights. If the day shall come when it must fall, I am content to perish with it.

Mr. R. gave way, without concluding, for the orders of the day.

May 24th. Mr. Robertson continued.

Mr. Speaker: I have said more than I had intended on the preliminary grounds justifying the submission of the resolution now under discussion. I come now directly to the question involved in it.

In examining that question, I shall enter into no discussion of what the venerable member from Massachusetts [Mr. Adams] tauntingly terms the sublime merits of slavery; which, however, sir, permit me to say, whatever they may be, are not perhaps greatly excelled by the sublime merits of modern abolitionism.

Nor will I bestow a moment's attention upon the resolution of the select committee, denying the right of Congress to interfere with slavery in the States. I have never considered that question proper to be debated in this hall. I voted against its reference, because such rererence seemed to imply a doubt respecting rights held by a title paramount to the authority of Congress, and too firmly settled to receive any additional strength from its concessions.

The question before us, Mr. Speaker, is one that admits of little play of the fancy; and rejects, even were it in my power to command them, all rhetorical ornaments. it is a dry question of constitutional law; and from its nature, however all must acknowledge its intrinsic importance, little calculated to attract the attention of any but gentlemen accustomed to legal investigations.

In discussing it, from all that has been said, it is my fate, I fear, to address an unwilling auditory—one, perhaps, that has already prejudged the question. A very general impression, none can doubt, exists among our fellow-citizens of the North, that the abolition of slavery is clearly within the constitutional power of Congress. Nothing is more natural. Born or raised under institutions adverse to slavery, and under which it has, in most cases, been long abolished, they readily adopt the opinion that it is lawful for every other Government to do the same. It is natural, sir, but not logical, that they should jump to this conclusion, without nicely examining into its grounds. It falls in with all their early habitudes of thought, with their feelings, and I may add, what is still more difficult to encounter, with their prejudice. They have probably, in a few instances, ever thought to inquire whether the provisions of the federal constitution, which bear upon this question, correspond with their own. Yet every candid man will admit that that constitution is the test by which the proposition is to be tried. I have endeavored to examine into this matter with some care, and think I may venture to say that while there is, perhaps, not one of the Northern States whose fundamental law may not be reasonably construed to give the power of abolishing slavery to the respective legislative bodies, they all of them, in this particular, vary essentially from that of the State of Virginia, and of the United States, under both of which such power is denied to exist. I do not entertain the vain hope of removing the impressions or changing the opinion of any gentleman on this floor. The powers of a Chatham or a Cicero would in all probability work no such effect. But we may hope, from the interesting nature of the subject, that every gentleman will examine, fully, into the reasons of his belief, renounce it if his own reflections prove to him that it rests upon fallacious principles; or, if otherwise, show us the substantial grounds upon which it can be maintained.

The reasons, Mr. Speaker, why the institutions of the Northern States admit or require the interpretation I have mentioned, must occur at once to every one. In those States, during our revolutionary struggle, slaves were comparatively few, and the intention of abolishing slavery, if not actually carried into effect, entertained in almost all. It would have been absurd, therefore, in framing their constitutions, to close the door to abolition, or throw any serious obstacle in its way. The reverse, however, was the case in the South; and there it was reasonable to expect that the fundamental law would be more guarded, in protecting what was a most important interest in a large proportion of the community. The fact, it is believed, will be found, in a great degree, to correspond with these views.

Look, sir, to the constitution of New Hampshire. The clause which may be regarded as bearing upon this point is a part of the 12th section of the bill of rights. It is in these words:

"Every member of the community has a right to be protected by it in the enjoyment of life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service, when necessary, or an equivalent; but no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Provisions nearly or precisely similar are to be found in the bill of rights of Massachusetts, section 10; of Delaware, section 10; of Vermont, section 10. The constitution, moreover, of each of these States confers ample power on its legislative body to pass all laws for the good and welfare of the Commonwealth, not repugnant to the constitution itself. (Constitution of New Hampshire, constitution of Massachusetts, article 4; constitution of Vermont, section 2.) Taking these provisions together, it may be fairly contended that there is full authority to take away private property, whether wanted for public use or otherwise, whenever, in the opinion of the

Legislature, the measure would conduce to the "good and welfare" of the Commonwealth.

Rhode Island derived her institutions from King Charles II, of blessed memory, and still reposes under the protection of the royal charter. That charter gave to the Governor and company authority to pass all laws, as to them might seem meet for the "good and welfare" of the said company, &c., so as such laws be not contrary and repugnant to the laws of England; and, as slavery was an institution not recognised by the laws of England, whatever doubts may exist of the right to establish it in Rhode Island, none can possibly exist as to the right to abolish it.

Connecticut, like Rhode Island, remained during our revolutionary struggle under the regulations of a charter granted by Charles II. She never formed a constitution till the year 1818. By a provision of her bill of rights adopted in 1784, section 2, it was declared that "no man's goods should be taken unless clearly warranted by law." All that was necessary to justify the taking of them was to pass a law to that effect; and the royal charter gave full authority to pass all laws not contrary to the laws of England. An act, accordingly, for its gradual abolition was passed in 1784, and it ceased, probably, to exist before the adoption of the new constitution.

In New York, the old constitution of 1777 gave, if possible, still greater latitude. It vested the supreme legislative power in two bodies; it contained no direct provision, as far as I have seen, protecting private property from seizure, except what is contained in the 13th section, which declares "that no member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this State, by this constitution, unless by the law of the land, or the judgment of his peers." Thus, then, in New York, not only was the right of the citizen in his property not secured by any constitutional provision, but, even if it was, it might at any time be wrested from him, by any "law of the land," passed by the supreme legislative power: supreme, indeed, since it might abrogate the constitution itself.

Nor do I find in the constitution of New Jersey any recognition of inviolability of private property. The Legislature is clothed with power simply "to pass laws." The common law of England is declared to be in force: and it follows, consequently, that the Legislature might, (as the omnipotent Parliament of Great Britain might,) under the common law, and in the absence of any restrictive clause, exercise the power of abolishing slavery.

Pennsylvania, it is known, passed a law abolishing slavery as early as 1780. I have already shown that the right to do so existed under similar provisions to those which existed in the institutions of New Hampshire, and other Northern and Eastern States.

It would be tedious, and unnecessary to the purpose of my argument, to enumerate in detail the various provisions in the constitutions of those States where slavery still exists. It is enough to say, in general, that Maryland, North Carolina, South Carolina, and Tennessee, in reference to the security of private rights, adopted, with perhaps slight modifications, the provisions of the 29th chapter of *magna charta.* [9 Hen. III.]

One example, taken from the bill of rights of Tennessee, (article 8,) may suffice for all. It is in these words: "That no freeman shall be taken, or imprisoned, or disseized of his freehold or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land."

The constitution of Kentucky contains a special provision on the subject of emancipation. It declares that "The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated."

Virginia, in her bill of rights, inserted the provisions of the 29th chapter of magna charta; and, in regard to private property, adopted a provision varying from those in the other States, and closely resembling that in the constitution of the United States. In the sixth article, the language is this: "All men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent, or that of their representatives so elected."

But whatever opinions, Mr. Speaker, we may form, from the peculiar structure of the different State constitutions, or from general reasoning, as to the legislative power of abolishing slavery, when we look to the constitution of the United States, to which alone we must refer to ascertain the extent of our authority, we shall find little room for doubt or difficulty.

The fifth article of the amendments to the federal constitution is in these words: "Nor shall private property be taken for public use without just compensation."

What is the just interpretation of this provision? Is it not obviously this? Private property may be taken for public use: and when so taken, must be paid for. This construction is, indeed, expressly maintained in the report of the select committee. "The true meaning (says the report, p. 15) of this provision obviously is, that private property shall be taken only for public use, but shall not be taken even then without adequate remuneration."

It is impossible to deny this, without perverting the terms from their ordinary signification. To found a claim for taking private property, it must be wanted for the public use. No learned lawyer need be consulted to give the true meaning of this simple language. You can have it expounded without difficulty, by the plainest farmer or mechanic of the country. Can it be pretended that those who framed the constitution could be ignorant of the import of the terms they employed? No attempt can be successfully made to construe these terms as conferring a right on Congress to seize upon private property, whenever they may suppose the public good, the general welfare, require it. No expression can be found justly warranting so bold a proposition. The enlightened men who framed the provision would never have consented to such a grant of power, which would indeed authorize the invasion of private property at the mere will and discretion of Congress. They designed that it should be held sacred and inviolable by the Government, unless it was necessary to appropriate it to the exigencies of the public. When that was the case, and then only, could it be touched. For example, is land wanted for an encampment? it may be lawfully occupied; slaves, servants, and horses, munitions of war, provisions, may be impressed, when the country requires them for its own uses or necessities: but for no other purpose. You cannot take the property of one man to bestow upon another; still less can you confiscate it under a pretext of the general welfare; nor, under an authority to use it, render it absolutely incapable, as property, of any future use whatever. Such would be the necessary consequence of abolition. In this view, Congress has no more right to effect it under the constitution, than to confiscate a merchant's goods, and throw them into the Potomac, or to waste and destroy his lands, or turn them out as a common.

An attempt, however, has been made to call in aid that provision of the constitution which gives to Congress the right to exercise exclusive legislation over the

District. Exclusive legislation for what? For all purposes? No, sir. For all lawful and constitutional purposes; for no others. You cannot break over the limits of the constitution within the District, more than in the States. The claims of our citizens to its protection are not forfeited within the magic circle of the ten miles square. Can Congress establish a national church in the District of Columbia? put down the press? suppress the liberty of speech? or take away the trial by jury? No man will assert this; yet these infractions of the rights of the citizens are prohibited by no higher authority than that which forbids the Government from laying its hands upon private property, unless for the use of the public.

If under this clause you can abolish slavery in the District, it is because you interpret the words *public use*, as of the same import with *public good* and *general welfare*. The doctrine of the general welfare breaks down all limitations of power. Where, sir, would this construction stop? The clause in question was not designed solely for the protection of this District. If, by this forced construction, Congress can seize upon the slaves of the District, what is to prevent it from stretching its arm across the ten miles square, and seizing upon those in the States? If you may confiscate that property in the District upon the plea of the general welfare, constitutionally, may you not, with still greater propriety, use that power to remove the supposed evil existing in the State, on so much more extensive a scale? The inference cannot be resisted. Human ingenuity cannot assign a solid reason for expounding the clause in question so as to protect the citizens of the States, and yet leave those of the District exposed. I call upon gentlemen to show, if they can, any solid reason for the distinction. There is none. Wherever a citizen of the United States may be, within the limits of the Union, the constitution throws its mantle around him. If you may trample upon his privileges here, you may trample upon them every where: if you may seize upon one, you may seize upon all; and there is no barrier against the absolute power of the Federal Government.

[The House proceeded to the orders of the day.]

May 24th. It is with unfeigned reluctance, Mr. Speaker, that I throw myself once more upon the indulgence of the House. I trust to their kindness to make allowances for the frequent interruptions to which I have been subjected, during the brief hour allotted to the consideration of the question before us, by the pressure of other important business. I will hasten, sir, to a close, as speedily as possible, that I may relieve the House from what, I fear, so far as I am concerned, must be a dry and uninteresting discussion, and yield the floor to gentlemen every way better entitled to its attention. Permit me, sir, briefly to connect the broken thread of my argument.

The positions which I have endeavored to establish are:

That under a reasonable interpretation of the fundamental institutions of all those States in which slavery has been abolished, private property may be taken, at the discretion of the Legislature, for any purpose whatever, deemed conducive to the public welfare.

That under the constitution of the United States, on the contrary, private property can be taken for no other purpose than for the use of the public.

The clause referred to, "nor shall private property be taken for public use without just compensation," admits, as I have already shown, of no other reasonable construction. To say that it was designed solely to award compensation, where private property was wanted for public use, but nevertheless to leave, or confer, full power to take it when not so wanted, would be manifestly absurd; it would be to hold that the public must pay for all property which their necessities require; but that they may confiscate it, at will, when they have no occasion for it, without making any compensation whatever. But again: if it was intended that Congress might take private property at its discretion, whether wanted for public use or not, then the expression, "for public use," was wholly improper and superfluous; for the clause immediately preceding had already declared that no person should "be deprived of life, liberty, or property, without due process of law;" and if it was not intended to restrain the generality of this last expression, by limiting the seizure of private property to the case of public necessity, but simply to provide for compensation, the supposed intent would have been effected by connecting with the clause just read the provision relative to compensation, and omitting the words "for public use," so carefully inserted. These words, therefore, could have been inserted with no other view than to limit and define the object or purpose for which private property might be lawfully taken. The framers of the constitution were desirous of guarding it, in every way, against the capricious invasion of the Government. They hedged it around with numerous provisions. Not satisfied with declaring that it should not be taken without due process of law, they withheld, in terms so plain that those who run may read, all authority to touch it, unless when wanted for public use; and, even then, without just compensation.

The gentleman from Massachusetts who sits immediately before me, [Mr. Hoar,] when giving us his views on a former occasion, made a remark which ought not to pass unnoticed. If slavery, said the gentleman, cannot be abolished in this District, without violating the principle which prohibits Government from taking private property for public use without compensation, slavery here must remain undisturbed. Admitting the consequence to be as supposed, how does that settle the question of power? The gentleman has not informed us. But this mode of reasoning has been resorted to by others. The power, say they, must exist somewhere: it does not belong to the people of the District, for they have no political power whatever; it cannot be exercised by the States, or either of them, because the constitution places the District under the exclusive legislation of Congress; if, therefore, it does not belong to Congress, it exists nowhere. The premises may be true, and yet the conclusion is erroneous. It may be safely admitted that the power in question cannot be exercised by the people of the District, nor by the States; and yet it is clear that it is not only not given, but plainly prohibited, to Congress. Where, then, it may be asked, does it exist? Sir, it exists, like the power to abolish jury trials, to restrain the freedom of conscience, of speech, or of the press, with those who have a right to prescribe limits to all Governments; it remains in the people, the great reservoir from whence all power flows. I protest against the doctrine which would make Congress the residuary legatee of all undelegated powers. If the one in question, or any other not conferred, be deemed essential for the public good, it can only be obtained by an amendment of the constitution.

The gentleman from Massachusetts laid great stress upon that section of the constitution which gives Congress exclusive legislation over this District. He too seemed to consider the terms "exclusive legislation" as synonymous with absolute power. I have already shown that this pretension cannot be maintained; that the moment it is asserted the constitution itself repels it. If it be true, then the liberty of speech or of the press may be invaded, the trial by jury abolished.

[Mr. Hoar said the gentleman from Virginia was mistaken in supposing him to contend that the terms *exclusive legislation* conferred absolute power.]

Mr. ROBERTSON. I could not suppose the gentleman would assert a proposition so indefensible. It is one that cannot be maintained, without stripping the people of the District, nay, every citizen who may enter its bounds, of all constitutional protection.

But though the gentleman from Massachusetts admits this, he attempts to connect the clause giving exclusive legislative power over the District with what he supposes to have been the intention of the parties, so as to make good the power in Congress to abolish slavery within its limits. The rule of construction upon which he relies, that the intention of the parties ought to prevail, cannot be denied; but there is another rule which must not be overlooked—that where the language is plain and unambiguous, you are not at liberty to go out of the instrument in search of the intention. Here there is no ambiguity. The language, it is true, gives exclusive legislation; but that legislation cannot, as all admit, transcend the restrictions imposed by the constitution; and one of those restrictions secures private property from seizure, or confiscation, unless when required for the use of the Government.

But if we may desert the instrument itself, to seek elsewhere for the intention of the parties, I insist that it is demonstrable they never could have intended what the gentleman from Massachusetts supposes. Observe, sir, the clause to be interpreted is that giving exclusive legislation to Congress over the District of Columbia. But the same clause, in the same terms, gives exclusive legislation over all places purchased for forts, arsenals, magazines, and other public buildings. Now, sir, let us read it as interpreted by the gentleman from Massachusetts; Congress shall have power to abolish slavery in the District of Columbia, and in all places purchased for forts, arsenals, magazines, and other public buildings. This is the reading his interpretation requires. If it be the true reading, then is the proposition boldly asserted, that Congress has the power to abolish slavery, not in this District merely, but in the States. Not the District only, but every place purchased for the use of the United States, may be converted into a sanctuary for fugitive slaves, who may be declared entitled to freedom the moment they enter it. Every fort may thus become a stronghold of abolitionism, every magazine a magazine of mischief, from whence the enemies of our peace may hurl their firebrands and bombshells among us.

These are the consequences of the position that Congress has power, under the clause in question, to abolish slavery in the District of Columbia. The same reasoning that would establish such a power over the District equally maintains it within the limits of the States; yes, in the very heart of every State in the Union. I, sir, claim the benefit of the rule laid down by the gentleman from Massachusetts. I ask him, I appeal to every reasonable and candid man, whether such an interpretation is not wholly irreconcilable with the intentions of those who framed the constitution? Whether they do not know that, had such a provision been inserted in that instrument at the time, or such an interpretation anticipated, there is not a single Southern State that would have ever entered into the Union?

Once concede to Congress the constitutional power to abolish slavery, here or elsewhere, and all that remains for the abolitionists to do is to show that it is expedient to exercise it. They are to prove this to those who assert the power, and who come from States which have already shown their belief of the expediency of exercising it within their own limits.

But, the committee say, it would be a breach of faith! Sir, the answer will be, there can be no breach of faith where no promise has been exacted, no pledges given. If the power was granted, it was granted like all others, that it might be exercised, whenever it should be thought expedient by those intrusted with it. Appeals to honor and good faith were not sufficient to prevent the strenuous efforts to enforce the unconstitutional Missouri restriction. No, sir; if we yield this power, the day is not far distant when it will be exerted. And what then will be our condition? If we resist it, instead of a rightful resistance of usurpation, we shall be regarded, upon our own concession, as in rebellion to constitutional power; our resistance will therefore be denounced as unlawful. We shall be put under the ban of an ultra-federal proclamation, and subjected, by a democratic republican majority, to the tender mercies of a force bill. Sir, the South never can consent, never ought to consent, to occupy this position.

Mr. Speaker, the doctrine contended for by the Southern States is not, as seems to be supposed, asserted now for the first time. If it has not been often urged, it is because no serious apprehensions were entertained, until of late, of attempts to interfere with their rights. But gentlemen seem to have forgotten that it was maintained in this very hall on a former occasion. In the session of 1828–'9, memorials praying for abolition in the District were referred to a select committee, of which Mr. Alexander, of Virginia, was the chairman, and he made a report directly controverting the power of Congress, upon constitutional principles.

Upon what grounds, sir, give me leave to ask, can Congress show a valid title to such a power?

It is nowhere expressly granted.

It is not essential to the due execution of any granted power.

It cannot be assumed upon the pretext that slavery may otherwise be perpetual, or that abolition would conduce to the general welfare.

It is not conferred by the clause giving Congress exclusive legislation over the District of Columbia.

So far from being in conformity with the expressed or implied intention of the parties, it is absolutely incompatible with such intention.

It is interdicted by the provision that forbids the taking of private property, unless when the public themselves have occasion to use it.

Nor are these the only grounds, Mr. Speaker, that disprove the existence of the power in question. There is still another clause of the constitution which appears to me equally to forbid it: still another defence thrown around the rights of the people. The 4th article of the amendments of the constitution declares that

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This clause, we are bound to suppose, meant something. The expression "unreasonable searches and seizures" is certainly a vague one: but it necessarily admits of construction. It is not more vague than the subsequent provision, that excessive bail shall not be required. It may be difficult to define what is excessive bail. Yet if a law should authorize bail to be demanded for a debt of ten dollars, in a penalty of $10,000, no judge or legislator would hesitate to say such bail was excessive, and its requisition unconstitutional. The constitution thus gives a practical security. Now, sir, I proceed to show that the power contended for cannot be exercised without a palpable violation of the article which prohibits unreasonable searches and seizures. In doing this, I shall invoke the aid of the select committee. All that is necessary is to concede that the propositions are true which they have maintained—and maintained, I trust, to the satisfaction of all—that the abolition of slavery in the

District would be a breach of faith, unwise, impolitic, and dangerous to the Union. The abolition of slavery, without the consent of the owner, necessarily implies his dispossession—a forcible seizure of his property. Can a seizure, then, I would ask, be deemed a reasonable seizure, which violates good faith, is unwise—unwise, sir—impolitic, and dangerous to the Union?

To hold one to bail in a penalty fifty or one hundred fold the amount of the debt would be to demand excessive bail, and therefore unconstitutional; to seize a large amount of property to satisfy a trifling debt would, it must be admitted, be unreasonable; and therefore unconstitutional. But to seize his whole estate, without any charge of crime or debt, under circumstances of such outrageous injustice and folly as to threaten the very dissolution of the Government itself, is no violation of the provision which prohibits unreasonable seizures. It is reasonable, then, to violate good faith, common sense, and common justice, and to subvert the Union!

It may be said, the clause in question applies only to seizures by color of legal process. Be it so; but dispossession under a law abolishing slavery would be a seizure under legal process—under authority or color of law. If it be not, then, though this clause of the constitution would not apply, there is another that would; that already cited, declaring that property shall not be taken without due process of law. If the seizure be, therefore, by due process of law, it is unreasonable, because unwise and unjust, and therefore unconstitutional; and if without such process, it is equally unconstitutional, since all seizures are prohibited without due process of law. Unless this construction of the clause in question be adopted, it affords no security for the rights it professes to protect. Congress is supreme, despotic: and the property of the citizen may be confiscated, and his body imprisoned, at its will and pleasure.

This view must have presented itself to the committee: it lay directly in their path; but they shunned it as though it had been an adder. The elementary principles were before them which demonstrated the unconstitutionality of the proposed interference of the abolitionists; but they evaded the conclusion. The route prescribed to them led directly to the door of truth: they refused to enter. They were sent forth to battle for the rights of the people, armed with the ægis of the constitution: they gave it up for the frail paper shield of morality. They threw away the sword, and fought with the scabbard.

It is much to be regretted, Mr. Speaker, that the select committee should have been influenced, by any considerations, to place the great question confided to their examination exclusively upon the grounds they have taken, instead of that contended for by the South. In exploring the coast, to find some safe landing place for our rights, they might have rested them upon the firm ground of the constitution: it was full in their view: they circumnavigated it without even attempting to land. But in their homeward voyage they touched, it seems, at Albany—a place famous, it is said, for coining new-fangled doctrines--and have brought us a cargo of Albany notions: among them this notion of relying on speculative opinions of morality, not in aid merely, but in place of the plain provisions of a written law or compact. To show you, sir, that this notion had its birth in Albany—for one, I could have rejoiced, had it been suffered to die, and be buried, on the spot where it was born—I refer you, sir, to a celebrated letter of one of the candidates for the presidency. I allude to the letter of Mr. Van Buren to certain gentlemen in North Carolina—a letter, I will take occasion to say, characterized throughout by artful and disingenuous evasions.

[Mr. Adams inquired if the gentleman from Virginia had the letter: he wished it read.]

Mr. Robertson replied, that he had not intended to fatigue the House with reading the letter; it was a very long one. His chief object in adverting to it was to show the coincidence between the doctrines of Mr. Van Buren and the Albany meeting, and those maintained in the report of the select committee; but he had no objection to the reading, if any gentleman desired it.

[Mr. Adams said he was exceedingly anxious to have that part read, considered by the gentleman from Virginia as evasive.]

Mr. Robertson requested the Clerk to read the following passage:

"These views, thus expressed and sanctioned by myself, appear to me to cover the whole ground, save the abstract question, to which you have been pleased to call my attention, and I cheerfully embrace the opportunity you have felt it your duty to afford me, to explain myself fully on that also. As anxious as you can possibly be to arrest all agitation upon this disturbing subject, I have considered the question you have propounded to me, with a sincere desire to arrive at the conclusion that the subject, in respect to the District of Columbia, can be safely placed on the same ground on which it stands in regard to the States, viz: the want of constitutional power in Congress to interfere in the matter. I owe it, however, to candor, to say to you, that I have not been able to satisfy myself that the grant to Congress, in the constitution, of the power of exclusive legislation in all cases whatsoever over the federal District, does not confer on that body the same authority over the subject that would otherwise have been possessed by the States of Maryland and Virginia; or that Congress might not, in virtue thereof, take such steps upon the subject, in this District, as those States might themselves take within their own limits, and consistently with their rights of sovereignty.

"Thus viewing the matter, I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of interfering with or abolishing slavery in the District of Columbia. But, whilst such are my present impressions upon the abstract question of the legal power of Congress--impressions which I shall at all times be not only ready, but disposed, to surrender upon conviction of error--I do not hesitate to give to you as my deliberate and well-considered opinion, that there are objections to the exercise of this power, against the wishes of the slaveholding States, as imperative in their nature and obligations, in regulating the conduct of public men, as the most palpable want of constitutional power would be."

Sir, this letter was obviously framed to suit all parties--all things to all men. To the North, it seems to concede the power; to the South, it protests against exercising it; and then, as if apprehensive of going too far, seeks to conciliate the good will of the Quakers. The question was a plain one: one that might have been answered in three lines; in two words, yes or no. Do you, or do you not, believe in the constitutional power of Congress to abolish slavery in the District of Columbia? How is it met? I repeat, sir, by a tissue of evasions. The question was put to him here, in Washington; down he dives, out of sight, and rises at Albany. He begins with expressing his great desire that his views should be thoroughly understood, and his intention to disclose them in the fullest manner: but, in the first place, as the sentiments he has avowed for the last two years may not be known, he must communicate them, before answering the specific inquiry. Then follows an account of the Albany meeting, and the sentiments there expressed, in which he declares his full concurrence. Leaving Albany, on he moves, dodging and shuffling, until at length he approaches the point to which he was bound. But does he approach it by a direct, manly, unequivocal course? Does he, sir, after all, express any decided opinion one way or the other? Mark his language. He owes it to candor to say that he has not been able to satisfy himself that the grant of the power of exclusive legislation does not confer the power of abolishing slavery in the District. But is he satisfied that it does? Thus viewing the subject, he would not feel himself safe—I believe it, sir, he did not feel himself safe; he was looking, I fear, sir, more to his own safety than to that of the South—he would not feel himself safe in pronouncing that Congress does not possess the power. But does he feel himself safe in pronouncing that Congress does possess the power? No, sir, he speaks of his impressions; his present impressions upon the abstract question; impressions which he is ready and disposed to surrender, upon conviction of error. I should hope these slight impressions, which he is so willing to renounce, have yielded to a more deliberate examination. They do not deserve the name of opinions. Suppose, sir, by way of illustration, the question were propounded to me, whether certain gentlemen in this House, in my opinion, were or were not abolitionists? and I should reply, I owe it to candor to say that I have not been able to satisfy myself that the gentlemen in question are not abolitionists, would the gentleman from Massachusetts understand me to affirm that they are? And if I should add, I do not, from the lights now before me, feel myself safe in pronouncing that they are not abolitionists—would he undertake to say that I expressed a decided opinion the one way or the other?

But it was with no view, Mr. Speaker, of commenting at large upon the equivocating language of this letter, that I thought proper to advert to it. It was principally with the view of pointing the attention of the House to the doctrine it inculcates, that moral obligations are equally imperative in regulating the conduct of public men, as the prohibitions of the constitution itself; and more especially to point out the coincidence between this Albany doctrine and that of the report of the select committee. In carrying out this doctrine, as I have already shown, the committee have even gone further than its original authors, by asserting the superior efficacy of moral over legal restrictions. Sir, I regret to see the attempt in that report to maintain a doctrine like this; an attempt to reconcile us to a surrender of power, on the faith that it will not be exercised to our injury: to substitute the notions of justice, wisdom, or policy, entertained by moralists and politicians, as a sufficient restraint upon men in power, in lieu of the fixed and permanent landmarks of a written law.

Nor is this the only novel doctrine we have heard upon this occasion. Not only is this moral obligation a better security, but it is even dangerous, it seems now, to rely at all on our constitutional rights. Sir, it is more dangerous to surrender them. If the temple of our liberty is indeed in so tottering a condition that we dare not enter it, it is time to repair it, or look out for better shelter. But where is the danger? Are we to be told, and that by democratic republicans, that it is dangerous the people should know what they know, and what greatly concerns their safety? Are the people, like children passing a church-yard, to shut their eyes for fear of seeing ghosts? The abolitionists, it seems, will be encouraged, if they discover that a majority of this House is with them on the question of power: yet gentlemen tell them it is morally certain that the fact is so, and object to bring the question to a vote, on the ground of our inevitable defeat. Sir, the abolitionists are awake; they know all that we know, and probably much more: and I am unwilling that the people should not be as well informed as their enemies, of the extent of the danger. We should not consent that they shall be hoodwinked, and bound hand and foot, while we unmuzzle the dogs that worry them.

There is one other constitutional objection, Mr. Speaker, to the power claimed for Congress of abolishing slavery in the District of Columbia, which it would not be proper to omit—that to be deduced from a just view of the power of appropriation. It is important to recur, occasionally, to fundamental principles; to the doctrines and opinions entertained, at an earlier period of our history, by the sages who were called on to frame, or expound, the institutions under which we live. On a question like this, the opinions of none are entitled to greater weight than those of the venerable Madison. According to the creed of the old federal party, the power of appropriation had no other limit than the general welfare; or, in other words, the discretion of Congress. But this was not the doctrine of the republicans of 1798. They insisted that public money could not be constitutionally expended, to effect any objects, except such as were expressly enumerated in the constitution. This was the principle maintained in Mr. Madison's celebrated report of 1799, on the alien and sedition laws. That report has been regarded as the text-book of State-right politicians; the standard of republican orthodoxy. I request that the Clerk may read a passage from the argument upon this question, in which the import of the terms *general welfare* is commented upon.

The Clerk read the following passage:

"The true and fair construction of this expression, both in the original and existing federal compacts, appear to the committee too obvious to be mistaken. In both, is subjoined to this authority an enumeration of the cases to which their powers shall extend. Money cannot be applied to the general welfare, otherwise than by an application of it to some particular measure conducive to the public welfare. Whenever, therefore, money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if it be not, no such application can be made. This fair and obvious interpretation coincides with, and is enforced by, the clause in the constitution which declares that "no money shall be drawn from the Treasury, but in consequence of appropriations by law." An appropriation of money to the general welfare would be deemed rather a mockery than an observance of this constitutional objection.

"Whether the exposition of the phrase here combated would not by degrees consolidate the States into one sovereignty, is a question concerning which the committee can perceive little room for difference of opinion. To consolidate the States into one sovereignty, nothing more can be wanted than to supersede their respective sovereignties in the cases reserved to them, by extending the sovereignty of the United States to all cases of the general welfare; that is to say, to all cases whatsoever."

Yes, sir, such a power would indeed lead to consolidation. Give the power to Congress of unlimited appropriation; give them with it, what they now have, a Treasury overflowing with millions beyond what the public necessities require, and an unprincipled party will not scruple to use the public treasure to perpetuate, by every scheme that can be devised, its own power and influence. The people, the source of all power, will be corrupted by their own money; and what should be the life-blood of our system will be converted into its poison.

But I proceed to apply the principles maintained by Mr. Madison, in this unanswered and unanswerable report.

The enactment of a law abolishing slavery necessarily supposes an appropriation of money to pay for the emancipated slaves. No one on this floor has ever yet asserted the principle, that such abolition can be effected, against the consent of the owner, without adequate compensation. Such an act would be simply an act of sheer robbery. But the abolition of slavery, or the purchase of slaves with a view to emancipation, are not, as all will agree, among the objects expressly enumerated in the constitution. Neither are they, in any way, essential to the attainment of any specified object, nor to the due execution of any specific power. If the power to appropriate money draws to it the power to create or select the objects of appropriation, and may be extended to embrace the abolition of slavery, it must be on the pretext assumed by the federal party, because such a measure is conducive to the general welfare. Where, sir, will this doctrine lead us? If we may apply the public treasure, upon this ground, to pay for this property when taken from the owner against his consent, surely we may compensate him for it when freely surrendered by sale or contract. If, by virtue of the power to appropriate, we may confiscate or purchase slaves in the District, so may we, under the same authority, purchase or confiscate them in the States. Or say that we are confined to the District; that we may open a market here, and here only, for the purchase of slaves, with a view to emancipation; then the District may become a great mart for slaves, and the Treasury exhausted in purchasing them, brought in, as they would be, from all the slaveholding States. Whether the power of appropriation imply or confer the power of abolition, or not, there is no doubt that abolition or emancipation necessarily supposes and authorizes appropriation. If slaves be purchased, or taken against the owner's consent, they must be paid for. Now, I inquire of the State-right politicians, the democratic republican majority of this House, if they are prepared to assert this doctrine? Have we not heard from them heavy denunciations of one of the candidates for the presidency, for having, as it is said, expressed the opinion that public money may be lawfully applied for the liberation of slaves, in aid of the Colonization Society? And will they now, by affirming the constitutionality of abolishing slavery, and the consequent appropriation of money to that object, assert the very doctrine they have condemned?

If we can lawfully emancipate slaves, here or elsewhere, we must have the power of determining what shall be done with them; of providing the means, if necessary, of removing them; and, in that case, there can be surely no impropriety in putting them under the care of the Colonization Society. I warn the party that they cannot maintain the power it is supposed they are prepared to assert, without splitting upon the doctrine they profess so much to abhor. But if they will assert it, I trust we shall at least hear from them no more denunciation against others for defending the same principle.

Let us trace a little farther the consequences of this power.

If you may confiscate or purchase slaves, you may hold them. Has the House considered the consequences of authorizing the General Government to become a slaveholder? How will you dispose of them? Where will you place them? If you can confer the right to freedom, you may prescribe the conditions on which it shall be enjoyed; and, if these be not complied with, reconvert them, as is done in some of the States, to slavery. You may make it a condition that, unless they depart from the District within a limited time, they shall forfeit their freedom. But suppose the States will not consent that such a crew of ignorant and unprincipled paupers and vagabonds shall be turned loose upon them: have you the power to compel their admission? will you attempt to enforce that power? or will you confine them within the bounds of the District? or give them up to the Colonization Society? When you shall have emancipated them, what, sir, let me ask, is to be their condition? Are they to be regarded as citizens of the United States? I know of no means whereby the United States can acquire citizens but two: by birth or by naturalization; but emancipated slaves are neither citizens by birth nor by naturalization. Will you, then, admit them to an equality of rights with the free citizens of the different States? make them eligible to all offices, civil and military, foreign embassies, the presidency itself? or are they to be freedmen, and not freemen? citizens without the privileges of citizenship? But perhaps you will enlist them as soldiers! It must be confessed better materials could not be found for a standing army. They might serve an admirable purpose, too, to keep the South quiet; or the Capitol may be surrounded by a chosen band of black janizaries; and the day may come when no man shall dare to raise his voice in this hall, in defence of right against power. Are gentlemen prepared to assert a claim fraught with these monstrous, these momentous consequences. I trust not; for, sir, I repeat, the people of the South can never admit it. They cannot consent to hold their property, their lives, and their liberty, at the mere discretion of a majority of Congress. They never will be, they never ought to be, satisfied until a power so dangerous to their rights, so fatal to their peace, shall be solemnly disclaimed by this Government; or, if a doubt exist, the pretension forever put to rest by a constitutional provision, too plain to be perverted.

When Mr. Robertson had concluded his speech,

Mr. OWENS expressed an opinion that the discussion ought not to be continued, and moved the previous question.

Mr. WILLIAMS, of Kentucky, called for the orders of the day.

Mr. GRENNELL asked if it was competent for the gentleman from Georgia to make any motion, without leave of the House, after the morning hour had expired; and if the orders would not come up, of course.

The CHAIR said the orders might be called for at any time after the hour had expired; but, until one o'clock, a majority could rule the action of the House in respect to the order of business, and any motion was in order, as in any other stage of the discussion.

The question being taken, it was decided in the negative: Yeas 64, nays 86. So the House refused to proceed to the orders of the day.

Mr. ADAMS expressed his desire to say a few words on the subject of the report and resolutions. If the House wished to proceed to the orders of the day, he would be willing to postpone his remarks to to-morrow; but he hoped the previous question would not be pressed.

Mr. WISE asked if the motion of the gentleman from Georgia [Mr. Owens] was in order. It was made after the expiration of the morning hour, and before the House refused to proceed to the orders of the day; and before the gentleman from Georgia had a chance to renew it, the gentleman from Massachusetts [Mr. Adams] had obtained the floor.

The CHAIR decided that the motion was in order.

Mr. ADAMS requested the gentleman from Georgia to withdraw the motion, and not call for the previous question without giving any one an opportunity to discuss the question.

Mr. OWENS said he had made the motion after much deliberation, and would not withdraw it.

Mr. ADAMS was about to make some remarks, but was interrupted by

The CHAIR, stating that the question was not debatable.

Mr. ADAMS appealed from the decision of the Chair that the motion was in order, on the ground that the gentleman from Georgia, at the time he made the motion, was not competent to make it.

The **CHAIR** called upon Mr. Adams to reduce his appeal to writing.

Mr. **ADAMS**, after a moment, said he perceived that a majority of the House was determined to stifle discussion, and he would withdraw his appeal, and consent that the vote should be taken.

Mr. **PATTON** rose to appeal to the gentleman from Georgia to withdraw his motion.

Mr. **OWENS** repeated that he would not withdraw it.

Mr. **PATTON** hoped he would not denounce every man who should not vote for his motion.

The question was then taken, and the motion for the previous question was seconded by the House: Yeas 95, nays 82.

Mr. **WISE** then demanded the yeas and nays on the previous question, and they were ordered.

The **CHAIR**, in reply to an inquiry, said the previous question would be on concurring in the resolutions, and not on the motion to recommit or print the report.

Mr. **ADAMS** appealed from that decision.

The **CHAIR** said it was what he would decide if the main question should be ordered.

Mr. **ADAMS** said, then I will appeal when the decision is made. I am aware that there is a slaveholder in the chair.

Messrs. **WISE** and **EVERETT** simultaneously moved a call of the House.

Mr. **WISE** asked for the yeas and nays on the call; which were ordered, and, being taken, stood: Yeas 97, nays 108.

Mr. **STORER** moved to lay the subject on the table, and that motion was negatived without a division.

Mr. **ADAMS** asked if there was then time to ascertain what the decision of the Chair will be upon what is the main question?

The **CHAIR** said he had stated, for the information of the House, what the decision would be; but the time to make a decision had not arrived.

Mr. **ADAMS** demanded that it should be decided what was the main question, that the House might know upon what they were voting, and that it might be entered on the journals.

The **CHAIR** said he had not decided what the main question was, and could not, because the House might negative the demand for the main question. The gentleman from Massachusetts could attain his object as well after the House had decided whether the main question should be then put.

Mr. **ADAMS** said he could not, and was proceeding to show the difference in the points of time, when

Mr. **BOON** called him to order.

Mr. **ADAMS** said he was speaking to order. He would ask the Chair to decide what the main question is, in order that the House might have an opportunity to decide, before they were obliged to vote for the putting of the main question, whether the decision of the Speaker was correct or not.

Mr. **PATTON** thought the decision ought to be made then, for the Chair might decide the main question to be one which the House would not desire to have put, and which they would not vote for; and it might influence their votes upon the main question.

The **CHAIR** then decided that the main question would be on the resolutions, and would cut off all other questions or motions to amend or commit.

Mr. **HUNTSMAN** said he would object to having the decision made out of order.

The **CHAIR** said that, upon the suggestion that the decision might affect the votes of the House upon the main question, he would entertain the appeal then.

Mr. **PHILLIPS** said that the committee had been charged with instructions to report two resolutions: one had been reported in the words directed by the House; the other was reported in part only, omitting the latter half. He wished to know to which of them the main question would apply.

The **CHAIR** said to both, but they were capable of division; and he announced the question then pending to be, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. **ADAMS** said he understood that question to be debatable.

The **CHAIR** said it had been decided that an appeal, while the previous question was pending, was not debatable, by an express vote of the House.

Mr. **WILLIAMS**, of Kentucky, moved the previous question on the appeal, and said he was sure that would stop debate.

Mr. **WISE** rose to a question of order. He said the gentleman from Massachusetts [Mr. Adams] appealed from the decision of the Chair, and was proceeding to argue the subject, when the Chair decided it was not debatable. He then wished to know to what the previous question would apply.

As the Chair was stating the question that would arise,

Mr. **WILLIAMS** withdrew the motion.

Mr. **ADAMS** asked if he was gagged or not.

The **CHAIR** said he had decided, according to a previous decision of the House, that the motion was not debatable.

Mr. **ADAMS** was going on with some remarks, but was interrupted by loud calls to order. He stated that he wanted the decision of the Chair in writing, that it might be entered on the journal.

The **CHAIR** said he had no right to make such a demand.

Mr. **ADAMS** appealed from that decision.

The **CHAIR** decided the appeal to be out of order. He said one appeal was then pending, and another appeal could not be piled upon it.

The question was then taken, and the decision of the Chair was sustained by the House.

The question "Shall the main question be now put?" was then taken, and decided in the affirmative: Yeas 109, nays 89, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Henderson, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Sherrod Williams—109.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, William B. Calhoun, Carter, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Everett, Philo C. Fuller, James Garland, Glascock, Granger, Grantland, Graves, Grennell, Griffin, Hiland Hall, Hard, Harlan, Harper, Hazeltine, Hiester, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Martin, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Phillips, Pickens, Pinckney, Potts, Rencher, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, White, Elisha Whittlesey, Lewis Williams, Wise—89.

So it was determined that the main question be now put; and the Speaker decided that the main question was upon agreeing to the above resolutions.

Mr. **HIESTER** called for a division of the question, and asked for the yeas and nays; which were ordered.

The first resolution was then read, as follows:

"*Resolved,* That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy."

Mr. **ADAMS** said, if the House would allow him five minutes' time, he pledged himself to prove that resolution false and utterly untrue.

Mr. A. was here called to order in different parts of the House, and resumed his seat.

The question was then taken on the adoption of the first resolution, as follows:

Yeas—Messrs. C. Allan, H. Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, W. B. Calhoun, Cambreleng, Carr, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, P. C. Fuller, W. K. Fuller, Galbraith, J. Garland, Gillet, Granger, Grantland, Graves, Grennell, Haley, J. Hall, H. Hall, Hamer, Hannegan, Hard, Harlan, Harper, S. S. Harrison, A. G. Harrison, Hawes, Haynes, Henderson, Hiester, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, G. Lee, J. Lee, L. Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, S. Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Pettigrew, Phelps, Pinckney, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, W. B. Sheppard, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Speight, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whittlesey, L. Williams, S. Williams—182.

Nays—Messrs. Adams, Clark, Denny, Everett, W. Jackson, Janes, Phillips, Potts, Slade—9.

During the call, Mr. **GLASCOCK** said he had constitutional scruples, and asked to be excused from voting.

Mr. **ADAMS** said he hoped the gentleman would be excused, and would be called upon to assign his reasons.

The **CHAIR** said the subject was not debatable.

Mr. **ADAMS** asked for the yeas and nays upon the question of excusing the gentleman from Georgia.

The **CHAIR** said it was not in order to call for the yeas and nays during a call of the House; and directed the Clerk to proceed, that the question might be taken afterwards.

Messrs. **PICKENS, WADDY THOMPSON,** and **ROBERTSON,** when their names were called, severally asked to be excused; and the question was postponed.

Mr. **WISE** said he should positively refuse to vote upon these resolutions.

The roll having been called,

The **CHAIR** read the 28th rule: "Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him;" and said the question would be on excusing the gentleman from Georgia, [Mr. Glascock.]

Mr. **ADAMS** asked that the reasons required to be given should be reduced to writing, and entered on the journal, according to rule.

The **CHAIR** requested Mr. Glascock to reduce his reasons to writing.

Mr. **GLASCOCK** said his reasons had been given on a former occasion, and would be found in the protest he had signed, entered on the journal.

Mr. **ADAMS** said the rule required that "special reasons" should be given; the gentleman could not be excused but upon "special reasons;" and he asked to have those special reasons entered on the journal.

The **CHAIR** said the rule was silent as to whether the reasons should be entered on the journal or not.

Mr. **ADAMS** said the House and the country were in a situation unprecedented upon this subject. He called for the execution of the rule in such a way as to have the reasons of the gentleman appear upon the journal. He made the call by right as a member of the House—by his right as a representative of the people; and he would set aside all precedents in this case.

The **CHAIR** said it was not a debatable question under the operation of the previous question.

Mr. **ADAMS** asked if the Chair undertook to decide that no possible question could arise which would be debatable while the previous question was pending.

The **CHAIR** said he decided no supposable cases. It was soon enough to decide upon each case as it occurred.

Mr. **ADAMS** read the rule, and was remarking upon the propriety of having the special reasons written and entered, which the gentleman himself might give, as well as the reasons for which the House might excuse him; when

Mr. **HAMER** called to order. He wanted to know, first, if the question was debatable; and, second, if any member had a right to demand that the reasons should be recorded.

Mr. **PHILLIPS** called Mr. Hamer to order.

The **CHAIR** said that he did not know that this question had ever been pressed to a decision; and by the concurrence of the House he had been willing to hear the gentleman from Massachusetts, [Mr. Adams,] with a view to enlighten his own understanding. He then announced that the hour of one had arrived, and as these resolutions would come up at the next morning hour, he would announce the orders of the day; and, in the mean time, would take the opportunity to deliberate upon the very delicate questions involved.

RATIONS TO INHABITANTS OF ALABAMA.

The joint resolution from the Senate, authorizing the President of the United States to cause rations to be distributed to suffering fugitives from Indian hostilities in Alabama and Georgia, coming up, in the following words, viz:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be authorized to cause rations to be delivered from the public stores to the unfortunate sufferers who are unable to provide for themselves, and who have been driven from their homes by Indian depredations in Alabama and Georgia, until they can be re-established in their possessions, or so long as the President shall consider it necessary."

Mr. LEWIS urged the speedy action of the House upon this resolution, in consequence of the disastrous condition of the country.

Mr. HAWES moved that it be referred to a Committee of the Whole on the state of the Union. Agreed to.

On motion of Mr. LEWIS, and by general consent, the House then went into committee on the above resolution, (Mr. A. H. SHEPPERD in the chair.)

Mr. HAWES briefly opposed the resolution, on the ground that it was both impolitic and unconstitutional.

Mr. LEWIS addressed the committee in reply to the gentleman from Kentucky. He said the gentleman had very suddenly sprung a grave constitutional question upon a very small matter. The gentleman was mistaken if he supposed that it was proposed that all the settlers from the Creek country who had been thrown on the frontier of Alabama and Georgia, were to be fed at the public expense. On the contrary, sir, this boon was asked only for the poor, and the extreme poor, who had been driven from their homes by the savages, and in many instances were forced to abandon, not only their homes, but their provisions, stock, and, in some instances, even their negroes. It was said that, in the little town of Columbus, there were now twelve hundred persons from the Creek country who were living upon the liberality and hospitality of the people of that town. Children were there whose parents had been murdered at night by the Indians; widows whose husbands had fallen under the tomahawk; some driven from their midnight slumbers, and forced, even in a state of nudity, to fly to the adjoining frontier for protection.

Sir, the Government surely owed protection to these people: they are now endeavoring to afford them that protection; and is not subsisting these people a part of that protection for which we are sending armies and voting appropriations for their defence? Sir, I ask nothing except for the poor and the unfortunate. Our wealthy citizens will never call on the commissary for their provisions; and even the poor, I trust, will not need it long. All that I ask is, to grant us that protection against the consequences of Indian hostilities, which we have a right to claim from this Government. I see no difference, sir, between this case and the one under which this House has already voted rations to the sufferers in Florida.

Sir, I respect the constitutional scruples of every gentleman on this floor. I ask no gratuity, no charity, but simply demand justice of this Government. I require of this Government merely to repair the losses which have resulted for want of that protection which the people have not received, and which, if they had received, would have enabled them to have subsisted themselves at home, without calling on this Government. In making this remark, I do not intend to censure the Government, but merely to state the circumstances under which this application is made. It is a requisition of sheer justice, growing out of the obligation of this Government to protect the persons to whom they have sold land in the Creek country against the hostility of these Indians, until they are removed west of the Mississippi.

Mr. TOWNS moved an amendment to extend the provisions of the resolution to citizens of Georgia, under the same circumstances as the citizens of Alabama, provided for in the resolution.

Mr. T. then addressed the committee as follows:

Mr. Chairman: In support of the amendment I have had the honor to offer, no particular argument is necessary, as it does not vary the principle of the resolution. I must confess that I heard with regret the remarks of the honorable gentleman from Kentucky, [Mr. HAWES,] in opposition to the resolution. I should always be pleased to have the co-operation of that gentleman on any question, and on none more than the present. The gentleman has placed his opposition on the ground that there is no power in the House to adopt the resolution. I do not intend to meet this objection by any thing like argument on the constitutional question; it is not necessary. It has fallen to the lot of the gentleman, oftener than once during the present session, to make the same objection to other resolutions involving the same principle; and, as often as made, have uniformly been voted down by the House. Sir, I have information in my possession of a character that would excite the deepest sympathy. Yes, sir, every mail from Georgia tells me the story of death; butcheries the most revolting are perpetrated every day in the borders of Alabama, and on the frontiers of Georgia. The merciless savage has overrun almost the entire country from Columbus to Montgomery. One scene of wide-spread desolation alone is to be seen in that quarter, where but a short time since there was peace, quiet, and prosperity. And such, sir, has been the unparalleled devastation of property and life, that there is scarcely a human being to be seen in all that country, unless it be the merciless foe, or some unfortunate settler flying from the tomahawk and scalping-knife. So sudden has been this war, when the Indian was ready to deal out death in all its horrors, few, if any, were prepared to give the slightest resistance; unprotected with arms or ammunition, the honest settler of the country felt it to be his first duty to yield to the entreaties of wife and children, to fly for safety; and the melancholy story but too often reaches us, when thus flying, that many of them have fallen victims to the most cruel of all deaths, the scalping-knife and tomahawk. This population, under such a panic, could not be expected, even if they had had the means, of removing their property. Delay was death, and to collect the women and children, and bid them fly, was the first and the only thing either thought of or desired. Perhaps, sir, at no former time was ever a panic more general, or danger greater. Can it, then, sir, could it be expected, that a whole population, driven before a savage foe beyond the limits of their own State, could have provided themselves with the ordinary comforts of life? Can it be expected, when deprived of house, home, and property, that they can supply themselves with the necessary means of subsistence? Can it be supposed that the citizens of Georgia, however charitable and benevolent, (and I am proud to say they are entitled to that character,) can support a population of such vast numbers that must have been suddenly thrown upon them in the severest season of the year? Sir, I know too well the feeling of this House to doubt for one moment the fate of the resolution. Let it pass speedily; and let that aid, so indispensable to the very existence of the unfortunate people on the frontiers of Georgia, be afforded with the promptness and efficiency that a wise and humane policy would demand. Let us not consume the time of the committee by useless discussion, when, but for the aid of the relief intended by this resolution, hundreds of your valuable citizens may be reduced to the greatest distress.

The amendment was briefly discussed by Mr. WHITTLESEY, of Ohio, and Mr. PARKER.

Mr. PARKER moved to amend the resolution by inserting a specific sum of $20,000.

This amendment was briefly discussed by Messrs. WHITE of Florida, WHITTLESEY of Ohio, HUNTSMAN, LEWIS, GRANTLAND, HOLSEY, and HOWARD, when Mr. PARKER withdrew it.

The question then recurred upon the amendment of the gentleman from Georgia, [Mr. Towns,] which, after a few remarks from Mr. LANE, was agreed to.

Mr. **HAWES** again opposed the resolution. He condemned the policy of providing for our citizens in this way; for it was holding out an inducement to them not to take measures to protect themselves.

The resolution was advocated by Messrs. **LEWIS, LANE,** and **GLASCOCK.**

Mr. **CUSHING** said that the object of this resolution, as expressed in the terms of it, and as explained by the gentlemen who brought it forward, was to give bread to those distressed inhabitants of Alabama and Georgia, who might be driven from their homes by the hostile Creeks, and fly for temporary refuge to the military posts of the United States. In this understanding of its import, he was ready to vote for the measure.

Its constitutionality had been called in question. Mr. C. said if he entertained any doubts on that score, he certainly should not be in favor of the resolution. But, in his view, Congress clearly possessed the requisite power. The objections to the measure proceed upon the supposition that it is a charity. Not so. The constitution empowers Congress to provide for the common defence and general welfare of the United States. He would not rely upon the last expression, "general welfare." Its very vagueness and extreme generality should inspire us with caution in the application of this clause to the legislation of Congress. What he relied upon was, the power and the obligation of "common defence;" that is, in an especial manner, the protection of the citizens under the immediate exigencies of war, which was the primary object and paramount duty of the Union.

Analyze the facts in the case. A war exists; our citizens are assailed by armed enemies, seeking their destruction. Manifestly, we may defend them against the weapon of the foe. May we not equally defend them against the endeavor of the foe to destroy them by starvation, when that endeavor is just as much a belligerant measure, an act of war, as it was to shoot them down in the field? Such a necessity is among the ordinary exigencies of war at all times. It would be strange, indeed, if when a war is raging in any part of the United States, and suffering families are expelled from their homes by the enemy, houseless, penniless, and without provision, and they take shelter under the guns and the flag of their country, they must be refused a pittance of the public rations for the time being, and left to starve, under the pretence that the constitution does not authorize Congress to afford them such relief. The power to defend the citizen under the actual exigencies of war, was the very last which he would consent to construe out of the constitution.

Of the propriety of the measure, supposing it to be constitutional, there was sufficient evidence in the facts before the House. The Creeks in Alabama and Georgia were emulating the example of the Seminoles in Florida. It was the bounden duty of Congress to extend to the inhabitants protection and relief, promptly, thoroughly, and suitably to the condition of the country and the character of the foe. Whether the policy of our Government, or the conduct of individuals, were right or wrong, in the acts which had led to the present state of things, we must, at all events, defend the lives of our countrymen; and this resolution is one of the forms of relief and protection which had been called for in the similar case of Florida. Some gentlemen had objected to the introduction into these debates of a reference to the tomahawk and scalping-knife of the Indian. Mr C. said he did not feel the force of this objection. Can the horrors of border warfare, of a warfare between a civilized and a savage race, be too vividly pictured to the understanding of the House?

There was another argument urged against the resolution, which (Mr. C. said) did not engage his concurrence. It is alleged that, if the people of the disturbed districts may obtain succor at our military posts, they will be less likely to defend, resolutely, their own homes. Mr. C. said he could not assent to this doctrine. Are we to abandon our people to their fate, and drive them to desperation, by refusing a refuge to their wives and children, in order to compel them to fight it out as a sort of forlorn hope, sacrificed for the public advantage? They fly to a frontier fort; they ask for shelter and sustenance there, until they may organize for the contest themselves, and bestow their wives and children among their friends. We say to them—No: go back to your scattered dwellings; fight singly, each one for the defence of his own house, so long as a bushel of corn remains in it, regardless of all odds, and even with certain destruction to yourself, and those you hold most dear, before your eyes. Is this language for the United States to hold to our people, when the knife of the Indian is at their throats? While we proclaim to the inhabitants of Alabama and Georgia that we expect them to be true to themselves, to yield to no panic fears, and to maintain their own cause in arms, let us, at the same time, enable them to feel that they are forever under the broad ægis of the Government of the United States. Thus, and thus only, and not by forcing them to contend single-handed with the foe, shall we infuse into the whole country a spirit worthy of patriots and of brave men.

Mr. C. said that, for these considerations, and under the ample security to the Treasury afforded by the regulations of the War Department in the case of Florida, he should vote for the resolution.

The resolution was further advocated by Messrs. **HOLSEY, WISE, MAURY, LAWLER,** and **UNDERWOOD;** and oppoposed by Messrs. **THOMPSON** of South Carolina, and **EVERETT.**

Mr. **ADAMS**, after observing that there was no appropriation annexed to the resolution, which, if there had been, the resolution must, by the constitution of the United States, have been made to assume the form of a bill, proceeded to address the chairman of the Committee of the Whole on the state of the Union, in substance as follows:

Mr. Chairman, there is no appropriation annexed to this resolution. We are called to vote upon it without knowing how deep it will dive into the public purse. We have no estimate from any executive department; no statement of the numbers of the distressed and unfortunate persons whom we are called upon to relieve, not with our own moneys, but with the moneys of our constituents. By an exception to the ordinary rules of the House, especially established to guard the public Treasury against the danger of rash and inconsiderate expenditures, we are to drive this resolution through all its stages in a single day. And it is, I believe, the first example of a system of gratuitous donations to our own countrymen, infinitely more formidable by its consequences as a precedent, than from any thing appearing upon its face. I shall, nevertheless, vote for it. But answerable to my constituents, as I am in this as in all other cases for voting away their money, I seek for a principle which may justify me, to their judgment and my own, in this lavish disposal of the public funds.

It is but one, sir, of a class of legislative enactments now upon the pages of our statute book, introduced first, I believe, during the present session of Congress; but with which we are already becoming familiar, and which I greatly fear will, ere long, grow voluminous. I shall take the liberty to denominate them the scalping-knife and tomahawk laws. They are all urged through by the terror of those instruments of death, under the most affecting and pathetic appeals from the constituents of the sufferers, to all the tender and benevolent sympathies of our nature. It is impossible for me to withhold from those appeals a responsive and yielding voice. I have voted for all those bills, devoting million after million from the public chest, for the relief and defence of these the suffering fellow-citizens of my constituents. I will vote for this resolution. I will vote again and again for drafts from the Treasury for the same purpose, should they become necessary, till the Treasury itself shall be drained; but, for so doing, I must seek for a principle which may be satisfactory, first, to my own mind, and, secondly, to my constituents.

And here, sir, the gentlemen who call upon us for these bountiful contributions from the public treasure are compelled to resort to that common defence and general welfare declared by the constitution of the United States to be among the purposes for which the constitution itself was ordained by the people. I admit their claim. There are, indeed, two grounds upon which some of them think their claim sustainable. One of them produces precedent for this exercise of power, and yet disclaims the authority of the precedent itself. You have already, by a resolution in the same words with those of the resolution now before this committee, extended this same relief to the inhabitants of Florida. But Florida is one of your Territories, and you are under obligations of protection more comprehensive to its inhabitants than those which bind you to the people of the States. These receive and are entitled to the protection of their State Government, and you are bound to extend that species of protection to the inhabitants of the Territories, besides the protection which the inhabitants of the several States are entitled to, as members of the great confederation. The precedent, therefore, of the resolution of relief to the inhabitants of Florida, does not cover the case. We are reminded, however, that some twenty years or more ago, the people of Caraccas were visited at once with a tremendous earthquake, with famine, and with the still more heavy misfortune of a civil war. The convulsions of nature by earthquakes, the ravages of famine, and the raging passions of man in the desolations of civil war, are as destructive to human life, and as calamitous to multitudes whom they do not absolutely destroy, as the tomahawk and the scalping-knife. But whatever may have been the motives or the justifying authority of Congress, more than twenty years ago, for appropriating any portion of the public moneys to the relief of the inhabitants of Caraccas, it could not establish the principle that Congress have the constitutional power to appropriate money for the relief of all human suffering, whether by earthquake, famine, civil war, or Indian ferocity. And the gentleman from Alabama himself, who so ardently urges the adoption of this resolution, tells you that he should have voted against that measure of relief to the wretched sufferers in Caraccas. Mere commiseration, though one of the most amiable impulses of our nature, gives us no power to drain the Treasury of the people for the relief of the suffering object. You must, therefore, seek another, an additional source of power, for authority to pass this resolution; and where will you, where can you, find it but in the war power, and its limitation, not its enlargement, in that very declaration of the transcendent purposes for which the people of the United States ordained their constitution—the common defence and general welfare? Step one hair's breadth out of the circle bounding the true intent and meaning of these words, and you have no more authority to pass this resolution, than you have, by an act of Congress, to saddle the people of the United States with the insupportable burden of the whole system of the poor laws of England.

Sir, in the authority given to Congress by the constitution of the United States to declare war, all the powers incidental to war are, by necessary implication, conferred upon the Government of the United States. Now, the powers incidental to war are derived, not from the internal municipal sources, but from the laws and usages of nations. In your relations with the Indian tribes, you never declare war, though you do make and break treaties with them, whenever either to make or to break treaties with them happens to suit the purposes of the President and a majority of both Houses of Congress. For, in this matter, you have set aside the judiciary department of the Government as effectually as if there were none such in the constitution.

There are, then, Mr. Chairman, in the authority of Congress and of the Executive, two classes of powers, altogether different in their nature, and often incompatible with each other—the war power and the peace power. The peace power is limited by regulations and restricted by provisions, prescribed within the constitution itself. The war power is limited only by the laws and usages of nations. The power is tremendous: it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life. This, sir, is the power which authorizes you to pass the resolution now before you, and, in my opinion, there is no other.

And this, sir, is the reason which I was not permitted to give this morning for voting with only eight associates against the first resolution reported by the committee on the abolition petitions; not one word of discussion had been permitted on either of those resolutions. When called to vote upon the first of them, I asked only five minutes of the time of the House to prove that it was utterly unfounded. It was not the pleasure of the House to grant me those five minutes. Sir, I must say that, in all the proceedings of the House upon that report, from the previous question, moved and inflexibly persisted in by a member of the committee itself which reported the resolutions, [Mr. Owens, of Georgia,] to the refusal of the Speaker, sustained by the majority of the House, to permit the other gentleman from Georgia [Mr. Glascock] to record upon the journal his reasons for asking to be excused from voting on that same resolution, the freedom of debate has been stifled in this House to a degree far beyond any thing that ever happened since the existence of the constitution of the United States; nor is it a consolatory reflection to me how intensely we have been made to feel, in the process of that operation, that the Speaker of this House is a slaveholder. And, sir, as I was not then permitted to assign my reasons for voting against that resolution before I gave the vote, I rejoice that the reason for which I shall vote for the resolution now before the committee is identically the same with that for which I voted against that.

[Mr. Adams at this, and at many other passages of this speech, was interrupted by calls to order. The chairman of the committee, (Mr. A. H. Sheppard, of North Carolina,) in every instance, decided that he was not out of order, but at this passage intimated that he was approaching very close upon its borders; upon which Mr. Adams said, Then I am to understand, sir, that I am yet within the bounds of order, but that I may transcend them hereafter.

Mr. Chairman, I claim the privilege of speech accorded to every other member of this House. I will not advert to the latitude in which that privilege has been, throughout this session, enjoyed in Committee of the Whole by every member of the House who has chosen to exercise it. I will appeal only to what happened no longer ago than the sitting of yesterday and of this morning, when, at the hour of one, the Speaker adjourned the House, not in the usual form to ten o'clock to-morrow morning, but to ten o'clock of Wednesday morning, that is, of this day. Is it not within the recollection of every one who hears me, that two gentlemen, both distinguished members of the House, from the State of Maryland, from the hour of seven to that of ten, or little short of that time, last evening, entertained and instructed the Committee of the Whole House with a controversial disquisition upon the constitution of the State of Maryland, and upon the very important question whether the voice of the Legislature of that State was or was not an exponent of the popular will? Is it not remembered that this disquisition was held in the form of a dialogue so animated, that the retort courteous, the quip modest, the counter-check quarrelsome, and almost the lie circumstantial, passed between those gentlemen, without interruption from the chairman, and without call to order, till at last an honorable member from Tennessee proposed that the difference between the two members should be settled by arbitration? And what was the question before the committee, sir, upon which this spirited and eloquent conference was held? Was it upon an appropriation of seven hundred thousand dollars for arming the fortifications of the United States? Or upon an amendment to that proposal by a reduction of the salaries of all your principal executive officers, and of the compensation of members of Congress? Sir, it was upon one of these two propositions, so exceedingly relevant to each other, that the colloquy between the two gentlemen from Maryland, upon the constitution, Legislature, and people, of that highly respectable State, was held, for hours, without interruption or call to order. And now, sir, am I to be disconcerted and silenced, or admonished by the Chair that I am approaching to irrelevant matter, which may warrant him to arrest me in my argument, because I say that the reason for which I shall vote for the resolution now before the committee, levying a heavy contribution upon the property of my constituents, is identically the same with the reason for which I voted against the resolution reported by the slavery committee, that Congress has no authority to interfere, in any way, with slavery in any of the States of this Union? Sir, I was not allowed to give my reasons for that vote, and a majority of my constituents, perhaps proportionably as large as that of this House, in favor of that resolution, may and probably will disapprove my vote against it, unless my reasons for so voting should be explained to them. I asked but five minutes of the House to give those reasons, and was refused. I shall, therefore, take the liberty to give them now, as they are strictly applicable to the measure now before the committee, and are my only justification for voting in favor of this resolution.]

I return, then, to my first position, that there are two classes of powers vested by the constitution of the United States in their Congress and Executive Government: the powers to be exercised in time of peace, and the powers incidental to war. That the powers of peace are limited by provisions within the body of the constitution itself, but that the powers of war are limited and regulated only by the laws and usages of nations. There are, indeed, powers of peace conferred upon Congress, which also come within the scope and jurisdiction of the laws of nations, such as the negotiation of treaties of amity and commerce, the interchange of public ministers and consuls, and all the personal and social intercourse between the individual inhabitants of the United States and foreign nations, and the Indian tribes, which require the interposition of any law. But the powers of war are all regulated by the laws of nations, and are subject to no other limitation. It is by this power that I am justified in voting the money of my constituents for the immediate relief of their fellow-citizens suffering with extreme necessity even for subsistence, by the direct consequence of an Indian war. Upon the same principle, your consuls in foreign ports are authorized to provide for the subsistence of seamen in distress, and even for their passage to their own country.

And it was upon that same principle that I voted against the resolution reported by the slavery committee, "that Congress possess no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy," to which resolution most of those with whom I usually concur, and even my own colleagues in this House, gave their assent. I do not admit that there is even among the peace powers of Congress no such authority; but in war there are many ways by which Congress not only have the authority, but are bound to interfere with the institution of slavery in the States. The existing law prohibiting the importation of slaves into the United States from foreign countries, is itself an interference with the institution of slavery in the States. It was so considered by the founders of the constitution of the United States, in which it was stipulated that Congress should not interfere, in that way, with the institution, prior to the year 1808.

During the late war with Great Britain, the military and naval commanders of that nation issued proclamations inviting the slaves to repair to their standards, with promises of freedom and of settlement in some of the British colonial establishments. This, surely, was an interference with the institution of slavery in the States. By the treaty of peace, Great Britain stipulated to evacuate all the forts and places in the United States, without carrying away any slaves. If the Government of the United States had no authority to interfere, in any way, with the institution of slavery in the States, they would not have had the authority to require this stipulation. It is well known that this engagement was not fulfilled by the British naval and military commanders; that, on the contrary, they did carry away all the slaves whom they had induced to join them, and that the British Government inflexibly refused to restore any of them to their masters; that a claim of indemnity was consequently instituted in behalf of the owners of the slaves, and was successfully maintained. All that series of transactions was an interference by Congress with the institution of slavery in the States in one way—in the way of protection and support. It was by the institution of slavery alone that the restitution of slaves enticed by proclamations into the British service could be claimed as property. But for the institution of slavery, the British commanders could neither have allured them to their standard, nor restored them otherwise than as liberated prisoners of war. But for the institution of slavery, there could have been no stipulation that they should not be carried away as property, nor any claim of indemnity for the violation of that engagement.

But the war power of Congress over the institution of slavery in the States is yet far more extensive. Suppose the case of a servile war, complicated, as to some extent it is even now, with an Indian war; suppose Congress were called to raise armies, to supply money from the whole Union, to suppress a servile insurrection: would they have no authority to interfere with the institution of slavery? The issue of a servile war may be disastrous. By war the slave may emancipate himself; it may become necessary for the master to recognise his emancipation by a treaty of peace; can it for an instant be pretended that Congress, in such a contingency, would have no authority to interfere with the institution of slavery, in any way, in the States? Why, it would be equivalent to saying that Congress have no constitutional authority to make peace.

I suppose a more portentous case, certainly within the bounds of possibility—I would to God I could say not within the bounds of probability. You have been, if you are not now, at the very point of a war with Mexico—a war, I am sorry to say, so far as public rumor may be credited, stimulated by provocations on our part from the very commencement of this administration down to the recent authority given to General Gaines to invade the Mexican territory. It is said that one of the earliest acts of this administration was a proposal, made at a time when there was already much ill-humor in Mexico against the United States, that she should cede to the United States a very large portion of her territory—large enough to constitute nine States equal in extent to Kentucky. It must be confessed that a device better calculated to produce jealousy, suspicion, ill-will, and hatred, could not have been contrived. It is further affirmed that this overture, offensive in itself, was made precisely at the time when a swarm of colonists from these United States were covering the Mexican border with land-jobbing, and with slaves, introduced in defiance of the Mexican laws, by which slavery had been abolished throughout that republic. The war now raging in Texas is a Mexican civil war, and a war for the re-establishment of slavery where it was abolished. It is not a servile war, but a war between slavery and emancipation, and every possible effort has been made to drive us into the war, on the side of slavery.

It is, indeed, a circumstance eminently fortunate for us that this monster, Santa Anna, has been defeated and taken, though I cannot participate in that exquisite joy with which we have been told that every one having Anglo-Saxon blood in his veins must have been delighted on hearing that this ruffian has been shot, in cold blood, when a prisoner of war, by the Anglo-Saxon leader of the victorious Texian army. Sir, I hope there is no member of this House, of other than Anglo-Saxon origin, who will deem it uncourteous that I, being myself in part Anglo-Saxon, must, of course, hold that for the best blood that ever circulated in human veins. Oh! yes, sir! far be it from me to depreciate the glories of the Anglo-Saxon race; although there have been times when they bowed their necks and submitted to the law of conquest, beneath the ascendency of the Norman race. But, sir, it has struck me as no inconsiderable evidence of the spirit which is spurring us into this war of aggression, of conquest, and of slave-making, that all the fires of ancient hereditary national hatred are to be kindled, to familiarize us with the ferocious spirit of rejoicing at the massacre of prisoners in cold blood. Sir, is there not yet hatred enough between the races which compose your Southern population and the population of Mexico, their next neighbor, but you must go back eight hundred or a thousand years, and to another hemisphere, for the fountains of bitterness between you and them? What is the temper of feeling between the component parts of your own Southern population, between your Anglo-Saxon, Norman French, and Moorish Spanish inhabitants of Louisiana, Mississippi, Arkansas, and Missouri? between them all and the Indian savage, the original possessor of the land from which you are scourging him already back to the foot of the Rocky Mountains? What between them all and the native American negro, of African origin, whom they are holding in cruel bondage? Are these elements of harmony, concord, and patriotism, between the component parts of a nation starting upon a crusade of conquest? And what are the feelings of all this motley compound of your Southern population towards the compound equally heterogeneous of the Mexican population? Do not you, an Anglo-Saxon, slaveholding exterminator of Indians, from the bottom of your soul, hate the Mexican-Spaniard-Indian, emancipator of slaves and abolisher of slavery? And do you think that your hatred is not with equal cordiality returned? Go to the city of Mexico, ask any of your fellow-citizens who have been there for the last three or four years, whether they scarcely dare show their faces, as Anglo-Americans, in the streets. Be assured, sir, that, however heartily you detest the Mexican, his bosom burns with an equally deep-seated detestation of you.

And this is the nation with which, at the instigation of your Executive Government, you are now rushing into war—into a war of conquest; commenced by aggression on your part, and for the re-establishment of slavery, where it has been abolished, throughout the Mexican republic. For your war will be with Mexico—with a republic of twenty-four States, and a population of eight or nine millions of souls. It seems to be considered that this victory over twelve hundred men, with the capture of their commander, the President of the Mexican republic, has already achieved the conquest of the whole republic. That it may have achieved the independence of Texas, is not impossible. But Texas is to the Mexican republic not more nor so much as the State of Michigan is to yours. That State of Michigan, the people of which are in vain claiming of you the performance of that sacred promise you made them, of admitting her as a State into the Union; that State of Michigan, which has greater grievances and heavier wrongs to allege against you for a declaration of her independence, if she were disposed to declare it, than the people of Texas have for breaking off their union with the republic of Mexico. Texas is an extreme boundary portion of the republic of Mexico; a wilderness inhabited only by Indians till after the revolution which separated Mexico from Spain; not sufficiently populous at the organization of the Mexican confederacy to form a State by itself, and therefore united with Coahuila, where the greatest part of the indigenous part of the population reside. Sir, the history of all the emancipated Spanish American colonies has been, ever since their separation from Spain, a history of convulsionary wars; of revolutions, accomplished by single, and often very insignificant battles; of chieftains, whose title to power has been the murder of their immediate predecessors. They have all partaken of the character of the first conquest of Mexico by Cortez, and of Peru by Pizarro; and this, sir, makes me shudder at the thought of connecting our destinies indissolubly with theirs. It may be that a new revolution in Mexico will follow upon this captivity or death of their President and commanding general; we have rumors, indeed, that such a revolution had happened even before his defeat; but I cannot yet see my way clear to the conclusion that either the independence of Texas, or the capture and military execution of Santa Anna, will save you from war with Mexico. Santa Anna was but one of a breed of which Spanish America for the last twenty-five years has been a teeming mother, soldiers of fortune, who, by the sword or the musket ball, have risen to supreme power, and by the sword or the musket ball have fallen from it. That breed is not extinct; the very last intelligence from Peru tells of one who has fallen there as Yturbide, and Mina, and Guerrero, and Santa Anna, have fallen in Mexico. The same soil which produced them is yet fertile to produce others. They reproduce themselves, with nothing but a change of the name and of the man. Your war, sir, is to be a war of races—the Anglo-Saxon American pitted against the Moorish-Spanish-Mexican American; a war between the Northern and Southern halves of North America; from Passamaquoddy to Panama. Are you prepared for such a war?

And again I ask, what will be your cause in such a war? Aggression, conquest, and the re-establishment of slavery where it has been abolished. In that war, sir, the banners of freedom will be the banners of Mexico; and your banners, I blush to speak the word, will be the banners of slavery.

Sir, in considering these United States and the United

Mexican States as mere masses of power coming to collision against each other, I cannot doubt that Mexico will be the greatest sufferer by the shock. The conquest of all Mexico would seem to be no improbable result of the conflict, especially if the war should extend no farther than to the two mighty combatants. But will it be so confined? Mexico is clearly the weakest of the two Powers; but she is not the least prepared for action. She has the more recent experience of war. She has the greatest number of veteran warriors; and although her highest chief has just suffered a fatal and ignominious defeat, yet that has happened often before to leaders of armies too confident of success and contemptuous of their enemy. Even now, Mexico is better prepared for a war of invasion upon you, than you are for a war of invasion upon her. There may be found a successor to Santa Anna, inflamed with the desire, not only of avenging his disaster, but what he and his nation will consider your perfidious hostility. The national spirit may go with him. He may not only turn the tables upon the Texian conquerors, but drive them for refuge within your borders, and pursue them into the heart of your own territories. Are you in a condition to resist him? Is the success of your whole army, and all your veteran generals, and all your militia calls, and all your mutinous volunteers against a miserable band of five or six hundred invisible Seminole Indians, in your late campaign, an earnest of the energy and vigor with which you are ready to carry on that far otherwise formidable and complicated war?--complicated, did I say? And how complicated? Your Seminole war is already spreading to the Creeks, and, in their march to desolation, they sweep along with them your negro slaves, and put arms into their hands to make common cause with them against you; and how far will it spread, sir, should a Mexican invader, with the torch of liberty in his hand, and the standard of freedom floating over his head, proclaiming emancipation to the slave and revenge to the native Indian, as he goes, invade your soil? What will be the condition of your States of Louisiana, of Mississippi, of Alabama, of Arkansas, of Missouri, and of Georgia? Where will be your negroes? Where will be that combined and concentrated mass of Indian tribes, whom, by an inconceivable policy, you have expelled from their widely distant habitations, to imbody them within a small compass on the very borders of Mexico, as if on purpose to give that country a nation of natural allies in their hostilities against you? Sir, you have a Mexican, an Indian, and a negro war upon your hands, and you are plunging yourself into it blindfold; you are talking about acknowledging the independence of the republic of Texas, and you are thirsting to annex Texas, ay, and Coahuila, and Tamaulipas, and Santa Fe, from the source to the mouth of the Rio Bravo, to your already over-distended dominions. Five hundred thousand square miles of the territory of Mexico would not even now quench your burning thirst for aggrandizement.

But will your foreign war for this be with Mexico alone? No, sir. As the weaker party, Mexico, when the contest shall have once begun, will look abroad, as well as among your negroes and your Indians, for assistance. Neither Great Britain nor France will suffer you to make such a conquest from Mexico; no, nor even to annex the independent State of Texas to your confederation, without their interposition. You will have an Anglo-Saxon intertwined with a Mexican war to wage. Great Britain may have no serious objection to the independence of Texas, and may be willing enough to take her under her protection, as a barrier both against Mexico and against you. But, as aggrandizement to you, she will not readily suffer it; and, above all, she will not suffer you to acquire it by conquest and the re-establishment of slavery. Urged on by the irresistible, overwhelming torrent of public opinion, Great Britain has recently, at a cost of one hundred millions of dollars, which her people have joyfully paid, abolished slavery throughout all her colonies in the West Indies. After setting such an example, she will not--it is impossible that she should—stand by and witness a war for the re-establishment of slavery where it had been for years abolished, and situated thus in the immediate neighborhood of her islands. She will tell you, that if you must have Texas as a member of your confederacy, it must be without the taint or the trammels of slavery; and if you will wage a war to handcuff and fetter your fellow-man, she will wage the war against you to break his chains. Sir, what a figure, in the eyes of mankind, would you make, in deadly conflict with Great Britain; she fighting the battles of emancipation, and you the battles of slavery; she the benefactress, and you the oppressor, of human kind! In such a war, the enthusiasm of emancipation, too, would unite vast numbers of her people in aid of the national rivalry, and all her natural jealousy against our aggrandizement. No war was ever so popular in England as that war would be against slavery, the slave trade, and the Anglo-Saxon descendant from her own loins.

As to the annexation of Texas to your confederation, for what do you want it? Are you not large and unwieldy enough already? Do not two millions of square miles cover surface enough for the insatiate rapacity of your land-jobbers? I hope there are none of them within the sound of my voice. Have you not Indians enough to expel from the land of their fathers' sepulchres, and to exterminate? What, in a prudential and military point of view, would be the addition of Texas to your domain? It would be weakness, and not power. Is your Southern and Southwestern frontier not sufficiently extensive? not sufficiently feeble? not sufficiently defenceless? Why are you adding regiment after regiment of dragoons to your standing army? Why are you struggling, by direction and by indirection, to raise *per saltum* that army from less than six to more than twenty thousand men? Your commanding general, now returning from his excursion to Florida, openly recommends the increase of your army to that number. Sir, the extension of your seacoast frontier from the Sabine to the Rio Bravo would add to your weakness tenfold; for it is now only weakness with reference to Mexico. It would then be weakness with reference to Great Britain, to France, even perhaps to Russia, to every naval European Power, which might make a quarrel with us for the sake of settling a colony; but, above all, to Great Britain. She, by her naval power, and by her American colonies, holds the keys of the Gulf of Mexico. What would be the condition of your frontier from the mouth of the Mississippi to that of the Rio del Norte, in the event of a war with Great Britain? Sir, the reasons of Mr. Monroe for accepting the Sabine as the boundary were three. First, he had no confidence in the strength of our claim as far as the Rio Bravo; secondly, he thought it would make our Union so heavy that it would break into fragments by its own weight; thirdly, he thought it would protrude a long line of sea coast, which, in our first war with Great Britain, she might take into her own possession, and which we should be able neither to defend nor to recover. At that time there was no question of slavery or of abolition involved in the controversy. The country belonged to Spain; it was a wilderness, and slavery was the established law of the land. There was then no project for carving out nine slave States, to hold eighteen seats in the other wing of this Capitol, in the triangle between the mouths and the sources of the Mississippi and Bravo rivers. But what was our claim? Why, it was that La Salle, having discovered the mouth of the

Mississippi, and France having made a settlement at New Orleans, France had a right to one half the seacoast from the mouth of the Mississippi to the next Spanish settlement, which was Vera Cruz. The mouth of the Rio Bravo was about half way from the Balize to Vera Cruz; and so as grantees, from France, of Louisiana, we claimed to the Rio del Norte, though the Spanish settlement of Sante Fe was at the head of that river. France, from whom we had received Louisiana, utterly disclaimed ever having even raised such a pretension. Still we made the best of the claim that we could, and finally yielded it for the Floridas, and for the line of the 42d degree of latitude from the source of the Arkansas river to the South sea. Such was our claim; and you may judge how much confidence Mr. Monroe could have in its validity. The great object and desire of the country then was to obtain the Floridas. It was General Jackson's desire; and in that conference with me to which I have heretofore alluded, and which it is said he does not recollect, he said to me that so long as the Florida rivers were not in our possession, there could be no safety for our whole Southern country.

But, sir, suppose you should annex Texas to these United States; another year would not pass before you would have to engage in a war for the conquest of the island of Cuba. What is now the condition of that island? Still under the nominal protection of Spain. And what is the condition of Spain herself? Consuming her own vitals in a civil war for the succession to the crown. Do you expect that, whatever may be the issue of that war, she can retain even the nominal possession of Cuba? After having lost all her continental colonies in North and South America, Cuba will stand in need of more efficient protection; and above all, the protection of a naval Power. Suppose that naval Power should be Great Britain. There is Cuba at your very door; and if you spread yourself along a naked coast, from the Sabine to the Rio Bravo, what will be your relative position towards Great Britain, with not only Jamaica, but Cuba, and Porto Rico, in her hands, and abolition for the motto to her union cross of St. George and St. Andrew? Mr. Chairman, do you think I am treading upon fantastic grounds? Let me tell you a piece of history, not far remote. Sir, many years have not passed away since an internal revolution in Spain subjected that country and her King for a short time to the momentary government of the Cortes. That revolution was followed by another, by which, under the auspices of a French army with the Duke d'Angouleme at their head, Ferdinand VII was restored to a despotic throne; Cuba had followed the fortunes of the Cortes when they were crowned with victory; and when the counter revolution came, the inhabitants of the island, uncertain what was to be their destination, were for some time in great perplexity what to do for themselves. Two considerable parties arose in the island, one of which was for placing it under the protection of Great Britain, and another was for annexing it to the confederation of these United States. By one of these parties I have reason to believe that overtures were made to the Government of Great Britain. By the other I know that overtures were made to the Government of the United States. And I further know that secret though irresponsible assurances were communicated to the then President of the United States, as coming from the French Government, that they were secretly informed that the British Government had determined to take possession of Cuba. Whether similar overtures were made to France herself, I do not undertake to say; but that Mr. George Canning, then the British Secretary of State for Foreign Affairs, was under no inconsiderable alarm, lest, under the pupilage of the Duke d'Angouleme, Ferdinand VII might commit to the commander of a French naval squadron the custody of the Moro Castle, is a circumstance also well known to me. It happened that just about that time a French squadron of considerable force was fitted out and received sailing orders for the West Indies, without formal communication of the fact to the British Government; and that, as soon as it was made known to him, he gave orders to the British ambassador at Paris to demand, in the most peremptory tone, what was the destination of that squadron, and a special and positive disclaimer that it was intended even to visit the Havana; and this was made the occasion of mutual explanations, by which Great Britain, France, and the United States, not by the formal solemnity of a treaty, but by the implied engagements of mutual assurances of intention, gave pledges of honor to each other, that neither of them should in the then condition of the island take it, or the Moro Castle, as its citadel, from the possession of Spain. This engagement was on all sides faithfully performed; but, without it, who doubts that from that day to this either of the three Powers might have taken the island and held it in undisputed possession?

At this time circumstances have changed—popular revolutions both in France and Great Britain have perhaps curbed the spirit of conquest in Great Britain, and France may have enough to do to govern her kingdom of Algiers. But Spain is again convulsed with a civil war for the succession to her crown; she has irretrievably lost all her colonies on both continents of America. It is impossible that she should hold much longer a shadow of dominion over the islands of Cuba and Porto Rico; nor can those islands, in their present condition, form independent nations, capable of protecting themselves. They must for ages remain at the mercy of Great Britain or of these United States, or of both; Great Britain is even now about to interfere in this war for the Spanish succession. If by the utter imbecility of the Mexican confederacy this revolt of Texas should lead immediately to its separation from that republic, and its annexation to the United States, I believe it impossible that Great should look on while this operation is performing with indifference. She will see that it must shake her own whole colonial power on this continent, in the Gulf of Mexico, and in the Caribbean seas, like an earthquake; she will see, too, that it endangers her own abolition of slavery in her own colonies. A war for the restoration of slavery where it has been abolished, if successful in Texas, must extend over all Mexico; and the example will threaten her with imminent danger of a war of colors in her own islands. She will take possession of Cuba and of Porto Rico, by cession from Spain or by the batteries from her wooden walls; and if you ask her by what authority she has done it, she will ask you, in return, by what authority you have extended your seacoast from the Sabine to the Rio Bravo. She will ask you a question more perplexing, namely—by what authority you, with freedom, independence, and democracy, upon your lips, are waging a war of extermination to forge new manacles and fetters, instead of those which are falling from the hands and feet of man. She will carry emancipation and abolition with her in every fold of her flag; while your stars, as they increase in numbers, will be overcast with the murky vapors of oppression, and the only portion of your banners visible to the eye will be the blood-stained stripes of the taskmaster.

Mr. Chairman, are you ready for all these wars? A Mexican war? a war with Great Britain, if not with France? a general Indian war? a servile war? and, as an inevitable consequence of them all, a civil war? For it must ultimately terminate in a war of colors as well as of races. And do you imagine that while with your eyes open you are wilfully kindling, and then closing your eyes and blindly rushing into them; do you imagine that while, in the very nature of things, your own Southern and Southwestern States must be the Flanders of these complicated wars, the battle-field upon which the last great conflict must be fought between slavery and emancipation; do you imagine that your Congress will have no constitutional authority to interfere with the institution of slavery in any way in the States of this confederacy? Sir, they must and will interfere with it—perhaps to sustain it by war; perhaps to abolish it by treaties of peace; and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the constitution itself. From the instant that your slaveholding States become the theatre of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way by which it can be interfered with, from a claim of indemnity for slaves taken or destroyed, to the cession of the State burdened with slavery to a foreign Power.

Sir, it is by virtue of this same war power, as now brought into exercise by this Indian war in Florida, Alabama, and Georgia, that I vote for the resolution before the committee. By virtue of this, I have already voted in the course of this session to increase your standing army by a second regiment of dragoons, to authorize your President to accept the services of ten thousand volunteers, and to appropriate millions of the public money to suppress these Indian hostilities—all for the common defence, all for the general welfare. And if, on this occasion, I have been compelled to avail myself of the opportunity to assign my reasons for voting against the first resolution reported by the slavery committee, it is because it was the pleasure of the majority of the House this morning to refuse me the permission to assign my reasons for my vote, when the question was put upon those resolutions themselves.

Sir, it is a melancholy contemplation to me, and raises fearful forebodings in my mind when I consider the manner in which that report and those resolutions have been disposed of by the House. I have twice asked permission of this House to offer two resolutions calling for information from the President upon subjects of infinite importance to this question of slavery, to our relations with Mexico, and to the peace of the country. When I last made the attempt, a majority of the House voted by yeas and nays to suspend the rules to enable me to offer one of the two resolutions—but the majority not amounting to two thirds, my resolution has not yet obtained from the House the favor of being considered. Had it been the pleasure of the House to indulge the call, or to allow me the privilege of assigning my reasons for my vote on the resolution this morning, the remarks that I have now made might have been deemed more appropriate to those topics of discussion, than to the question more immediately now before the committee. They are reflections, however, which I deem it not less indispensable to make than they are painful to be made—extorted from me by a condition of public affairs unexampled in the history of this country. Heretofore, calls upon the executive department for information, such as that which I have proposed to make, were considered as among the rights of the members of this House, which it was scarcely deemed decent to resist. A previous question, smothering all discussion upon resolutions reported by a committee, affecting the vital principles of the constitution, moved by one of the members who reported the resolutions, and sustained by the members of that committee itself, is an occurrence which never before happened in the annals of this Government. The adoption of those resolutions of the House had not even been moved. Upon the mere question whether an extra number of the report of the committee should be printed, a member moves the recommitment of the report, with instructions to report a new resolution. On this motion the previous question is moved, and the Speaker declares that the main question is not on the motion to recommit, not on the motion to print an extra number of copies of the report, but upon the adoption of three resolutions, reported, but never even moved in the House. If this is to be the sample of our future legislation, it is time to awake from the delusion that freedom of speech is among the rights of the members of the minority of this House.

To return, Mr. Chairman, to the resolution before the committee. I shall vote for this application of moneys, levied by taxation upon my constituents, to feed the suffering and starving fugitives from Indian desperation and revenge. How deeply searching in the coffers of your Treasury this operation will ultimately be, no man can at this time foretell. The expenditure authorized by this resolution may be not in itself very considerable; but in its progress it has already stretched from Alabama to Georgia—how much further it may extend, will be seen hereafter. I turn my eyes away from the prospect of it now; but am prepared to meet the emergency, if it should come, with all the resources of the Treasury.

But, sir, I shall not vote for this relief to the suffering inhabitants of Alabama, and of Georgia, upon the ground on which the gentleman from Alabama, [Mr. Lewis,] and the gentleman from South Carolina, [Mr. Thompson,] have been disposed to place it. Little reason have the inhabitants of Georgia and of Alabama to complain that the Government of the United States has been remiss or neglectful in protecting them from Indian hostilities: the fact is directly the reverse. The people of Alabama and Georgia are now suffering the recoil of their own unlawful weapons. Georgia, sir, Georgia, by trampling upon the faith of our national treaties with the Indian tribes, and by subjecting them to her State laws, first set the example of that policy which is now in the process of consummation by this Indian war. In setting this example, she bade defiance to the authority of the Government of the nation; she nullified your laws; she set at naught your executive and judicial guardians of the common constitution of the land. To what extent she carried this policy the dungeons of her prisons and the records of the Supreme Judicial Court of the United States can tell. To those prisons she committed inoffensive, innocent, pious ministers of the gospel of truth, for carrying the light, the comforts, and the consolations of that gospel to the hearts and minds of these unhappy Indians. A solemn decision of the Supreme Court of the United States pronounced that act a violation of your treaties and of your laws. Georgia defied that decision; your executive Government never carried it into execution; the imprisoned missionaries of the gospel were compelled to purchase their ransom from perpetual captivity by sacrificing their rights as freemen to the meekness of their principles as Christians; and you have sanctioned all these outrages upon justice, law, and humanity, by succumbing to the power and the policy of Georgia; by accommodating your legislation to her arbitrary will; by tearing to tatters your old treaties with the Indians, and by constraining them, under *peine forte et dure*, to the mockery of signing other treaties with you, which, at the first moment when it shall suit your purpose, you will again tear to tatters and scatter to the four winds of heaven, till the Indian race shall be extinct upon this continent, and it shall become a problem beyond the solution of antiquaries and historical societies what the red man of the forest was.

This, sir, is the remote and primitive cause of the present Indian war; your own injustice, sanctioning and sustaining that of Georgia and Alabama. This system of policy was first introduced by the present administration of your National Government. It is directly the reverse of that system which had been pursued by all the preceding administrations of this Government under the present constitution. That system consisted in the most anxious and persevering efforts to civilize the Indians; to attach them to the soil upon which they lived; to enlighten their minds; to soften and humanize their hearts; to fix in permanency their habitations; and to turn them from the wandering and precarious pursuits of the hunter, to the tillage of the ground, to the cultivation of corn and cotton, to the comforts of the fire-side, to the delights of home. This was the system of Washington and of Jefferson, steadily pursued by all their successors, and to which all your treaties and all your laws of intercourse with the Indian tribes were accommodated. The whole system is now broken up; and instead of it you have adopted that of expelling by force or by compact all the Indian tribes from their own territories and dwellings to a region beyond the Mississippi, beyond the Missouri, beyond the Arkansas, bordering upon Mexico; and there you have deluded them with the hope that they will find a permanent abode—a final resting-place from your never-ending rapacity and persecution. There you have undertaken to lead the willing and to drive the reluctant, by fraud or by force, by treaty or by the sword and the rifle, all the remnants of the Seminoles, of the Creeks, of the Cherokees, of the Choctaws, and of how many other tribes I cannot now stop to enumerate. In the process of this violent and heartless operation you have met with all the resistance which men in so helpless a condition as that of the Indian tribes could make. Of the immediate causes of the war we are not yet fully informed; but I fear you will find them, like the remoter causes, all attributable to yourselves. It is in the last agonies of a people, forcibly torn and driven from the soil which they had inherited from their fathers, and which your own example, and exhortations, and instructions, and treaties, had riveted more closely to their hearts; it is in the last convulsive struggles of their despair that this war has originated; and if it brings with it some portion of the retributive justice of Heaven upon our own people, it is our melancholy duty to mitigate, as far as the public resources of the national Treasury will permit, the distresses of the innocent of our own kindred and blood, suffering under the necessary consequences of our own wrong. I shall vote for the resolution.

Mr. HAYNES, of Georgia, said, however fashionable it might be in this House to discuss every thing but the subject under consideration, he would not follow the example of the honorable gentleman from Massachusetts [Mr. Adams.] But, should a proper occasion occur, he pledged himself to meet and overthrow the allegations which that honorable gentleman had thought proper to prefer against the State of Georgia; and should it become proper for him to do so, he would take occasion to blend with that subject the inquiry, by what constitutional authority a President of the United States can arrest the operation of a supreme law of the land? As it respected the amendment before the committee, he did not think it was embarrassed by any constitutional difficulty whatever. The provision asked for the unfortunate fugitives from the Indian tomahawk and scalping-knife, who might be unable to provide for themselves and their families, stood, in his opinion, upon the obligation of protection due by this Government to its citizens, and not upon the exercise of the naked power of making war upon an Indian tribe in hostility against us. Anxious as he was to economize the time of the committee, he would content himself with the expression of the hope that the amendment would be adopted.

Mr. THOMPSON, of South Carolina, moved the following amendment, to come in at the end of the resolution. With this amendment, he said he could alone vote for the resolution: "the Government having failed to extend that protection to those sufferers which it was its bounden duty to have done."

The resolution was further discussed by Messrs. WISE and MILLER.

On motion of Mr. BOYD, the committee then rose and reported.

The SPEAKER having resumed the chair,

Mr. LANE then moved that the Committee of the Whole be discharged from the further consideration of the resolution; which was agreed to.

All amendments being cut off by the discharge of the Committee of the Whole from the resolution,

Mr. MILLER renewed the amendment moved by Mr. Towns in committee; which was agreed to.

Mr. WHITE, of Florida, moved to strike out the words "who are unable to provide for themselves."

Mr. CAVE JOHNSON demanded the previous question; which was seconded: Yeas 88, nays 34.

The main question was then ordered to be put, and the resolution was then ordered to be engrossed for a third reading. Having been engrossed, it was read a third time and passed

The House then adjourned.

Thursday, May 26.

ABOLITION REPORT.

The House resumed the consideration of the report of Mr. Pinckney, from the select committee on the subject of abolition.

The CHAIR stated the present condition of the subject before the House. The select committee had made a report concluding with three resolutions. The previous question had been demanded, and was ordered to be put by a vote of the House. The main question was on concurring with the committee in their resolutions. Before the question was put, a division was called, and the vote taken by yeas and nays on agreeing to the first resolution. Pending the call of the yeas and nays on this vote, several members declined voting, and asked to be excused; other members declined to vote, but did not ask to be excused. After the list of members was called through, and before the result of the vote was announced, some other points were raised upon the question of excusing a member; and at this stage of the proceedings on yesterday, the House passed to the special order of the day.

He stated that in 1832 a case had occurred where a member declined voting, and asked to be excused, and the decision of the question before the House was announced without his vote, though the House had refused to excuse him, leaving the incidental question connected with his refusal to vote for the after consideration of the House. Were a different course to be pursued, it would lead to much embarrassment, as upon the question to excuse one member from voting, taken by yeas and nays, another might decline voting on that question, and ask to be excused; and this course might be pursued still further, so as to prevent any decision upon the original question before the House. And as the result in this case could not be affected by the votes of those who had declined voting, whether given to the one side or the other, the Chair was of opinion that the vote of yesterday should not be suspended, but the decision upon the resolution of the committee should be announced, leaving the incidental questions which had arisen to be subsequently settled; whenever it should suit the pleasure of the House to take them up for consideration.

Mr. WHITTLESEY, of Ohio, appealed from the decision of the Chair.

Mr. ADAMS said the case cited by the Chair was one in which he was personally concerned. On that occasion he had asked to be excused from voting, and had stated his reasons in writing, which were entered on the Journal. This was precisely what he required of the gentleman from Georgia, [Mr. Glascock.] He thought the case cited not in point.

Mr. WHITTLESEY, of Ohio, desired to say a word or two on the subject of his appeal.

The CHAIR said that, under the rule, this appeal could not be debated.

Mr. WHITTLESEY then asked for the yeas and nays on the appeal; which were ordered.

Mr. LEWIS did not vote yesterday. If he had been in his seat, he should not have voted. He made this statement, in order that he might take his part of the responsibility.

Before the vote was announced on the appeal, Mr. ROBERTSON said he had not voted, because he might, perhaps, be personally concerned in the result.

The decision of the Chair was then sustained: Yeas 137, nays 47, as follows:

Yeas--Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascook, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Hiester, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay McKim, McLene, Miller, Montgomery, Morgan, Morris Muhlenberg, Owens, Page, Parker, Patterson, Franklin Pierce, Pettigrew, Phelps, Pinckney, Potts, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Shields, Shinn, Sickles, Spangler, Speight, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, White--137.

Nays—Messrs. Adams, H. Allen, Bailey, Bell, Bond, Bunch, G. Chambers, Clark, Everett, Granger, Graves, Grennell, H. Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Hunt, Janes, Lawler, Lawrence, L. Lea, Lewis, Lincoln, Lyon, S. Mason, McKennan, Patton, J. A. Pearce, Phillips, Pickens, Rencher, Russell, A. H. Shepperd, Slade, Sprague, Standefer, Steele, Taliaferro, Underwood, Vinton, Whittlesey, L. Williams, S. Williams, Wise--47.

In answer to inquiries, as to what would become of the votes of those gentlemen who had asked to be excused, if they should hereafter be required to vote, the CHAIR said that the failure of gentlemen to vote could not arrest the decision of the House.

The first resolution was then declared to have been adopted: Yeas 182, nays 9.

The second resolution was read, as follows:

"*Resolved,* That Congress ought not to interfere in any way with slavery in the District of Columbia."

The House proceeded to vote by yeas and nays upon the adoption of this resolution.

When the name of Mr. Adams was called, he asked to be excused from voting.

The CHAIR said the gentleman's name would be passed for the present.

Mr. GRANGER, also, when his name was called, rose, and commenced reading from a manuscript to this effect:

"I decline voting on the second resolution reported by Mr. Pinckney, from the select committee"--Mr. G. was here called to order by various members.

Mr. G. continued. "I do not ask to be excused, because"—Mr. G. was again loudly called to order in every part of the House.

The CHAIR said it was not in order for the gentleman to make an argument pending the vote by yeas and nays.

Mr. GRANGER then yielded the floor.

Mr. WISE declined voting, for reasons which he sent to the Chair, but which were not read.

Before the vote was announced,

Mr. COFFEE asked the permission of House to record his vote. He had risen from a sick bed, contrary to the advice of his friends and physician, for the purpose of voting on these resolutions. He had been in an adjoining room, and the officers of the House had neglected to comply with his request to be notified when the vote was taken. It was under these peculiar circumstances that he had made the request.

Mr. WHITTLESEY, of Ohio, objected.

The second resolution was then declared to be adopted: Yeas 132, nays 45, as follows:

Yeas--Messrs. C. Allan, Anthony, Ash, Barton, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, J. Garland, Gillet, Grantland, Graves, Haley, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Hawes, Haynes, Holsey, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, J. Jackson, J. Johnson, R. M. Johnson, C. Johnson H. Johnson, J. W. Jones, Judson, Kennon, Kinnard, Klingensmith, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Loyall, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds; Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, White, Lewis Williams, Sherrod Williams—132.

Nays—Messrs. Heman Allen, Bailey, Bond, Borden, Briggs, William B. Calhoun, Carr, George Chambers, Childs, Clark, Cushing, Denny, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Hunt, Ingersoll, William Jackson, Janes, B. Jones, Kilgore, Lane, Lawrence, Joshua Lee, Lincoln, Samson Mason, McCarty, McKennan, Morris, Parker, Phillips, Potts, Reed, Russell, Slade, Sprague, Vinton, Whittlesey--45.

The preamble and third resolution were then read, as follows:

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

"*Resolved,* That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Mr. **PHILLIPS** rose to make a point of order, and was proceeding to state the same, when

Mr. **HAWES** called him to order, on the ground that he was making an argument.

The **CHAIR** requested the gentleman from Massachusetts to reduce his point of order to writing.

The hour of eleven having arrived, the Chair announced the special order of the day.

Mt. **PATTON** moved to suspend the rule, for the purpose of disposing of the subject before the House; which was agreed to: Yeas 126, nays not counted.

Mr. **PHILLIPS** then sent to the Chair the following point of order:

"Can a committee, specially instructed to report two resolutions, the form of which was given by the House, report another resolution changing the rules and orders of the House in regard to the management of its business, and depriving citizens of the privilege of obtaining the usual consideration of petitions on subjects other than those referred to the committee?"

The **CHAIR** stated that it was not within the competency of the Speaker to draw within the vortex of order the question raised by the gentleman from Massachusetts. Questions relating to the jurisdiction of the committees of the House, or whether they had or had not exceeded that jurisdiction, or transcended the authority conferred upon them by the House, were for the House, and not the Speaker, to determine. If gentlemen were of opinion that committees in their reports had exceeded the authority given them by the House, there were other modes of correcting what they had done; as, for example, the report may be recommitted, with instructions; or the House on that, as well as other grounds, may refuse to concur in their report.

The point now raised could not therefore be consideras a point of order to be decided by the Chair. It was in some respects analogous to the case of inconsistent amendments proposed, in which case it was well settled, that "if an amendment be proposed, inconsistent with one already agreed to, it is a fit ground for its rejection by the House; but not within the competence of the Speaker to suppress, as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will."

So in this case, if the House shall be satisfied that the committee were not clothed with authority, by the order of the House under which they were appointed, to report this resolution, "it may be a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress, as if it were against order."

Mr. **PHILLIPS** then moved to lay the preamble and third resolution on the table.

Mr. **GRENNELL** asked for the yeas and nays; which were ordered, and the motion to lay on the table was negatived: Yeas 69, nays 118.

The question recurring upon the adoption of the preamble and third resolution, the Clerk proceeded to call the roll.

When the name of Mr. Adams was called, that gentleman rose and said: I hold the resolution to be a direct violation of the constitution of the United States, the rules of this House, and the rights of my constituents. Mr. A. resumed his seat amid loud cries of "order," from all parts of the hall.

The third resolution was then agreed to: Yeas 117, nays 68, as follows:

Yeas—Messrs. C. Allan, Ash, Ashley, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlan, French, Fry, W. K Fuller, Galbraith, Gillet, Grantland, Graves, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Hawes, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, J. Johnson, R. M. Johnson, H. Johnson, Cave Johnson, Kennon, Kilgore, Kinnard Klingensmith, Lansing, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Standefer, Sutherland, Taliaferro, Taylor, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, White, Lewis Williams, Sherrod Williams--117.

Nays--Messrs. H. Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, W. B. Calhoun, Carr, G. Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Everett, P. C. Fuller, J. Garland, Glascock, Granger, Grennell, Haley, H. Hall, Hard, Harper, Hazeltine, Henderson, Hiester, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, Janes, John W. Jones, Benjamin Jones, Judson, Lane, Laporte, Lawrence, Lincoln, Love, Samson Mason, McCarty, McKennan, Morris, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, Potts, Reed, Robertson, Russell, Schenck, Shinn, Slade,[*] Sprague, Steele, Storer, John Thomson, Vinton, Wardwell, Webster, E. Whittlesey--68.

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[*] *To the Editors of the Intelligencer:*

Gentlemen: Having reason to believe that the negative vote recently given by me on the resolution declaring "that Congress possess no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy," may be understood as implying that I hold the opinion that Congress may abolish slavery in the States, I deem it proper to say that I entertain no such opinion. My vote was given on other grounds. The resolution declared, not merely that Congress has "no constitutional authority" to abolish slavery in the States, but that it has "no authority to interfere, in any way, with the institution of slavery" within their jurisdiction. I was not prepared to vote in favor of such a proposition, because I was not prepared to say that Congress might not abolish the slave trade between the States. This is an "interference with the institution of slavery in the States," which, I am inclined to think, is within the constitutional competency of Congress. The reasons for this opinion I should have given, if I had not been prevented by the extraordinary and oppressive application of the "previous question," which left me no alternative which I was willing to adopt, but that of giving a silent vote in the negative. The peculiar liability of that vote to misconstruction induces me to make this explanation.

I deem it proper to add, that I voted against the next resolution, which declares "that Congress ought not to interfere, in any way, with slavery in the District of Columbia," not only because it denies the right of Congress to abolish slavery here, but for the additional reason, that it also manifestly denies, and was, no doubt, intended to deny, the power of Congress to abolish the slave trade in this District—a trade carried on in sight of the Capitol, where this resolution was adopted, to as great an extent, probably, as in any other portion of the United States.

Respectfully, yours,

WILLIAM SLADE.

June 6, 1836.

Mr. MANN, of New York, called for the special orders of the day.

The **CHAIR** stated that there were incidental questions which had arisen in the progress of the subject upon which the House had just been acting. Several gentlemen had declined voting, and it was for the House to make such disposition of these questions as it might deem proper. The Chair had also received two communications from members, assigning their reasons for not voting on a portion of the resolutions.

Mr. GLASCOCK desired to have the reasons which had induced him to move to be excused from voting entered upon the journal. He was proceeding to address the House, when he was called to order.

Numerous suggestions and points of order were made by several members, when

Mr. MANN, of New York, called for the special orders of the day.

The **CHAIR** entertained the motion, when

Mr. ROBERTSON appealed from this decision of the Chair.

Mr. MANN, of New York, moved to lay the appeal upon the table.

Mr. ROBERTSON called for the yeas and nays; which were not ordered, and the appeal was laid on the table without a count.

The motion to proceed to the orders of the day was then agreed to.

POST OFFICE DEPARTMENT.

In execution of the special order adopted some days since, the House proceeded to the consideration of the "bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

The bill had been reported from the Committee of the Whole with sundry amendments, and the question was on concurring with the committee in their proposed amendments.

Various amendments were then read and concurred in.

The clause, as amended, defined the duties of the Auditor of the Post Office Department, and particularly that part of it requiring him to perform such duties as might be assigned him by the Postmaster General and the Secretary of the Treasury, or either of them. In the original bill he was made responsible to the former officer only; it was excepted to, and the amendment was opposed by Mr. McKAY, and advocated by Messrs. HARPER and EVERETT, when it was concurred in.

Mr. CAVE JOHNSON moved to non-concur in the following amendment to the twenty-third clause: "And the contracts, in all cases, shall be awarded to the lowest bidder."

Mr. J. briefly explained what he considered would be the inevitable result if this provision should be retained.

Mr. EVERETT deemed this a very important amendment, after the knowledge they now had of the abuses in relation to this matter.

The amendment was further discussed by Messrs. BRIGGS, HARPER, and CAVE JOHNSON.

Mr. MANN, of New York, moved to amend the amendment by adding the following thereto: "except in cases wherein the lowest bidder shall hereafter fail to perform the contract entered into by him for the transportation of the mail, or shall fail to comply with the requisitions of this act."

After some discussion, in which Messrs. EVERETT, HAWES, HUNTSMAN, CONNOR, and BRIGGS, took part,

Mr. WHITTLESEY, of Ohio, suggested to the mover of the amendment the following: "except in cases wherein the lowest bidder shall wilfully neglect to perform his contract, if a contractor at the passage of this act, or shall wilfully neglect hereafter to perform a contract entered into with the Department."

Mr. MANN accepted this as a substitute for his own amendment; and, after some discussion by Messrs. PEARCE of Rhode Island, WHITTLESEY of Ohio, McCOMAS, P. C. FULLER, MANN of New York, EVERETT, and HARPER,

Mr. MANN withdrew the amendment, and the amendment of the committee was concurred in.

Mr. HUNTSMAN moved to amend the 24th section, so as to provide that no person engaged in the printing, publishing, or distributing, of newspapers, periodicals, or tracts, shall be a contractor or postmaster; and that any such person shall be forthwith dismissed from office.

After a few words from Messrs. HUNTSMAN, MANN of New York, ROBERTSON, EVERETT, CAVE JOHNSON, and GILLET,

Mr. MANN called for such a division as confined the operation of the amendment to postmasters; which branch of it was agreed to.

On the second branch of the amendment Mr. EVERETT asked for the yeas and nays, when it was found that there was no quorum present.

Mr. HALL, of Maine, moved a call of the House, when the Chair counted ayes 40, noes 45—still no quorum.

Mr. MANN, of New York, made a few remarks in opposition to the amendment.

Mr. HUNTSMAN briefly supported it.

After a few remarks from Mr. BRIGGS, the amendment was rejected.

Mr. MANN, of New York, moved an amendment to the following amendment of the Committee of the Whole to the 34th section of the bill: "And no person shall be appointed or hold the office of deputy postmaster, who shall not be an actual resident of the city or town wherein the office is situated," by adding the following: "or the district of country usually supplied by said office."

After some remarks by Messrs. GRAVES, PEARCE of Rhode Island, PARKER, EVERETT, REED, ADAMS, McKAY, and WARDWELL, the amendment was agreed to.

Mr. McKAY then moved to amend the original amendment by striking out the words "be appointed or;" which was agreed to: Ayes 92, noes not counted.

Mr. MANN, of New York, moved to strike out the word "deputy;" agreed to.

The amendment, as amended, was then concurred in.

The following additional clause, agreed to in Committee of the Whole, was then read:

"Sec. 38. *And be it further enacted*, That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

"For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

"Over fifty, and not exceeding one hundred miles, ten cents.

"Over one hundred, and not exceeding two hundred miles, fifteen cents.

"Over two hundred, and not exceeding four hundred miles, twenty cents.

"Over four hundred, and not exceeding eight hundred miles, twenty-five cents.

"Over eight hundred miles, thirty cents.

"And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided*, That all letters and packets of one ounce, avoirdupois, in weight, or more, shall be charged single for every quarter of an ounce."

Mr. JOHNSON, of Louisiana, moved to strike out "thirty cents," in the fifteenth line, and insert "twenty-five." He considered twenty-five cents quite sufficient for any distance.

Mr. MANN, of New York, drew the attention of the House to the great reduction in the minor rates of postage; in addition to which, it should be borne in mind that more than one half of the whole revenue of the Post Office was derived from the lower rates. The effect of the reduction of the tariff was not to increase, but to reduce, the income of the Department, and such was the object of the committee who had reported this bill.

After some further discussion, on motion of Mr. MANN, the bill under consideration, together with the "post route" bill, were made the special order for tomorrow, from and after eleven o'clock.

The House then adjourned.

Friday, May 27.

AMENDMENT OF THE JOURNAL.

The Clerk commenced the reading of the journal of yesterday, when

Mr. ADAMS requested that the names of the members should be repeated upon the several votes on Mr. Pinckney's resolutions; which was accordingly done.

After the yeas and nays upon the adoption of the first resolution, the journal stated that several members (naming them) had asked to be excused from voting, and that Messrs. Thompson of South Carolina and Wise had declined voting.

Mr. ADAMS moved to correct the journal in reference to Mr. Wise, by stating that he refused to vote. The gentleman from South Carolina [Mr. Thompson] had declined voting.

Mr. WISE said that both the gentleman from South Carolina (not then in his seat) and himself had positively refused to vote.

The CHAIR said it was not usual, in making up the journal, to give the precise language used by a member. It would be difficult for the Clerk to do so; and when it was stated that the gentleman from Virginia declined voting, the Chair supposed that the entry was substantially correct.

Mr. ADAMS simply desired that the journal should state the facts as they occurred.

Mr. HUNTSMAN contended that it was not proper to enter upon the journal every thing that was said by a member. Were they to do so, it might lead to the most inconceivable mischief. A member might in this way introduce into the journal a few chapters of Vattel, or a speech two hours in length. They had assembled there for a very poor purpose, if every thing said by them was to be spread upon the journals. There was a great deal said there, which, for the sake of those concerned, had better never be repeated. If the practice and rules of the House did not warrant the amendment proposed, he hoped it would not prevail.

Mr. WISE wished to see the journals speak the truth, and the space which might be occupied in giving the facts was a matter of no consequence. He had gone farther than merely declining to vote, and had refused to vote. He desired that the journal might be so amended as to read that he declined and refused to vote. This was all he asked.

Mr. ROBERTSON thought the journal should simply state the facts, but not the reasons upon which they were founded.

Mr. HAMER recollected that on the day before yesterday the gentleman from Virginia had positively refused to vote upon the first resolution; but he did not recollect that he yesterday refused to answer to his name.

The CHAIR said it was in reference to the vote on the former day that the question had arisen.

Mr. WISE had refused to vote yesterday in stronger terms than those used on the day before.

Mr. PARKS objected to amending the journal, so far as regarded Mr. Thompson, as he was not in his seat.

Messrs. **WISE** and **PICKENS** affirmed that Mr. Thompson did refuse to vote.

Mr. LEWIS stated to the Chair that he had declined voting on either of the resolutions, for the reason that he did not think the House had any thing to do with the subject of slavery, any more than of religion; not wishing, however, to embarrass the House, or delay its proceedings, he had not made any objections at the time. He believed that no petition on the subject ought to be received, and, of course, no disposition could be made of them.

The motion to amend the journal in reference to Messrs. Wise and Thompson was then agreed to.*

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* *To the Editor of the U. S. Telegraph:*

As I had not an opportunity of giving, on the floor of Congress, the reasons of my refusal to vote upon the resolutions of the select committee on the subject of slavery, and as those reasons and my conduct have been greatly misrepresented, I am forced, against my will, to resort to the public press. I will only premise that it is, in my judgment, an evil portent of the times, that a representative of the people has no opportunity afforded him of expressing the reasons of his course upon a question of deep importance to the country, as well as to himself. I think I may say, without any impropriety, that my general conduct in the House, and more particularly on the occasion referred to, should protect me from the imputation of contumacy, or a desire to interrupt the business of the House, or to defy its authority.

When Mr. Pinckney's resolutions were first presented, and as in one of those resolutions a proposition was asserted which had my assent, I felt at the moment, having no time for reflection, that I ought to vote for it. I very soon saw my vote paraded by Mr. Pinckney as authority in favor of that resolution, although he knew I was decidedly opposed to its introduction. I resolved not again to give such authority, however slight it might be. I could not vote against the first resolution, because as far as it went I assented to it. I could not vote for it, because my whole course on the subject had been in the nature of a plea to the jurisdiction, which jurisdiction I should have as much recognised by voting for one resolution as for another. Once let the subject be submitted to the jurisdiction of Congress, and it is manifest that one Congress may resolve directly the reverse of a preceding Congress. And again: I regarded the negation of constitutional power as to slavery in the States, when taken in connexion with the second resolution, as an admission of that power in this District; and the report itself regards the two objects as inseparably connected, both in the designs of the abolitionists and in practical results.

I could not, for the same reasons, vote for the second, and for the additional reason, that this resolution only asserts that Congress ought not to interfere with slavery in the District, omitting the words in the instructions, "because it would be a violation of public faith," &c., which is all that ever was pretended either by the chairman of that committee, or by the report itself, as furnishing any guarantee to the South, and leaves it purely a question of expediency, changing with every change of the opinions of the majority on that question; a resolution for which any abolitionist might have voted, and for which some, as I believe, did vote. I have no doubt that this concession in the resolutions reported, and departure from instructions given, was to get as large a vote as

The Clerk resumed the reading of the journal, but, in a short time,

Mr. **ADAMS** said there was another inaccuracy in the journal. A decision of the Speaker was given in reference to the failure of members to vote, without previously giving the reasons which the gentleman from Georgia [Mr. Glascock] had reduced to writing and sent to the Chair, and upon which the Chair had made his decision. The journal therefore would, unless amended, not state the truth, as there would appear nothing upon which the decision was based. He therefore moved to amend the journal, so as to embrace what he had stated, and reduced his amendment to writing.

The **CHAIR** had, upon the reading of the journal yesterday, stated the question before the House, and had decided the point which arose the day before upon the failure of several gentlemen to vote. His decision was not based upon any paper presented by the gentleman from Georgia, nor had he received any such paper. After the resolutions were adopted, the gentleman from Georgia had moved to have his reasons for not voting entered on the journal.

Mr. **GLASCOCK** had, yesterday morning, in compliance with the request of the gentleman from Massachusetts, [Mr. Adams,] made the day before, reduced to writing his reasons for asking to be excused from voting; and when the question was announced yesterday, in order to avoid further difficulty, he rose and stated he was prepared to offer this paper.

Mr. **ADAMS** said the statement of the gentleman was substantially correct.

After some conversation between the **CHAIR** and Messrs. **ADAMS** and **GLASCOCK**, the latter stated that he had proposed to offer the written paper after the Speaker had commenced giving the decision referred to; but that it was not sent to the Chair, and the latter proceeded with the decision which he was delivering at the time.

Mr. Adams's proposition to amend the journal was then modified, according to the recollections of Mr. Glascock, in substance, "that whilst the Speaker was delivering his opinion, Mr. G. offered to present a paper containing his reasons," &c.*

Mr. **GLASCOCK** might have withdrawn his request. His recollection did not serve him as to the fact.

Mr. **SPEIGHT** hoped the amendment would not be made. If every proposition which was discussed or offered to be presented there was to go on the journal, it would be extended to a most unwarrantable length. He moved to lay the resolution to amend on the table.

Mr. **ADAMS** said the gentleman would save much time and trouble by withdrawing this motion.

Mr. **G. LEE** called the gentleman to order, on the ground that it was not competent to debate the motion.

Mr. **ADAMS**. This is a motion that, to speak the truth upon the journal, shall be laid upon the table.

Mr. **HUNTSMAN** suggested to the gentleman from North Carolina [Mr. Speight] to withdraw his motion, and let them reject the proposition to amend.

Mr. **SPEIGHT** then withdrew the motion to lay the amendment on the table.

After some further remarks by Messrs. **SUTHERLAND**, **ADAMS**, and **REED**, in reference to the precise phraseology of the amendment,

Mr. **GLASCOCK** remarked that the motion to correct the journal was made without his knowledge, and he was indifferent as to the result, but he felt it his duty, in justice to the gentleman from Massachusetts, [Mr. Adams,] to state the facts as they occurred and were recollected by him.

Mr. **POTTS** recollected that the gentleman from Georgia had proposed to offer a paper when this question was first taken up yesterday, but, upon the suggestion of the Chair, had declined pressing it upon the consideration of the House.

The question was then put upon the motion to amend, but, before the decision was announced, Mr. **ADAMS** asked for the yeas and nays. Ordered.

The hour of eleven having arrived, Mr. **MANN**, of New York, called for the orders of the day.

The **CHAIR** said the reading of the journal must first be completed.

Mr. **A. H. SHEPPERD** desired to know, distinctly, whether the decision of the Chair, which had been referred to, was consequent upon the paper, or the offer to present the paper, drawn up by the gentleman from Georgia?

The **CHAIR** and Mr. **GLASCOCK** simultaneously replied that it was not.

Mr. **HAMER** said it was evident that the mere offer to present the paper, whilst the Chair was delivering an opinion, was an interruption not necessary to be noticed on the journal.

Mr. **SUTHERLAND** said the facts of the case were now settled by the recollections of his colleague, [Mr. Potts.] The request to present the paper had been waived. He must, therefore, vote against the amendment.

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possible for the resolution; and, on the other hand, as far as it went, the resolution asserted what I believe to be true, and I could not therefore vote against it. I refused to vote, and did so in the most courteous and least defying manner. I could not vote, for the reasons given. I could not ask to be excused, because, by admitting the right to excuse, I should have admitted the right of the House to force me to vote, and of consequence its jurisdiction of the subject. I had not the slightest objection to being excused, if it was done not on my own application, or by any agency of mine.

Your obedient servant,

W. THOMPSON.

**To the Editors of the Globe:*

Gentlemen: Having declined voting on the two following resolutions of Mr. Pinckney, and being deprived by the House of making known my reasons for doing so, I now feel it due both to myself and my constituents, to make them public through the columns of your paper.

Respectfully, your obedient servant,

THOS. GLASCOCK.

1st resolution. That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy.

2d. That Congress ought not to interfere in any way with slavery in the District of Columbia.

I declined voting on the first, because I considered the resolution in its origin as wholly gratuitous and uncalled for, and can never consent to make or argue a question as to the right of Congress to abolish slavery in the States, and because Congress has no jurisdiction over the subject; and any resolution either disclaiming or affirming jurisdiction is virtually an admission of it. I did not vote on the second, from a full conviction that it is an implied admission of the right of Congress to interfere with slavery in the District of Columbia, and adopted to evade the constitutional question, and because the committee failed to incorporate into the resolution, as they were specially instructed to do, "That to interfere in any way with slavery in the District of Columbia would be a violation of the public faith, unwise, impolitic, and dangerous to the Union," without assigning reasons for the same, leaving it wholly unexplained and unaccounted for, notwithstanding it is fully argued in the report itself.

The motion to amend the journal was then negatived: Yeas 67, nays 111.

Mr. PHILLIPS said it was proper for him to state that he had voted in the negative upon the appeal from the decision of the Chair, and that his vote was not recorded. He moved that the vote be entered. Agreed to.

The reading of the journal was then resumed. It was stated that, on the second resolution, several gentlemen declined to vote, and, among others, Mr. GRANGER, of New York.

Mr. ADAMS said that the gentleman from New York had assigned, or attempted to assign, his reasons for declining to vote. That fact did not appear on the journal.

Mr. GRANGER moved to amend the journal by stating that he "declined to vote upon the second resolution, and was proceeding to assign his reasons, when he was called to order by the Chair."

The CHAIR said it was a well-settled rule, that, while the call of the yeas and nays was progressing, it was out of order to discuss any proposition, or address any remarks to the House. The gentleman had been called to order for a violation of this rule.

Mr. GRANGER did not censure the Chair. If there was any responsibility in the case, he was willing that it should fall upon himself.

Mr. ADAMS asked for the yeas and nays on Mr. GRANGER's motion to amend the journal; which were not ordered.

After some conversation between the CHAIR and Messrs. McKENNAN and ROBERTSON,

Mr. PARKS inquired whether it was customary to enter every interruption or attempt to violate the rules of the House on the journal?

Mr. GRANGER contended that the 28th rule of the House, which required every member to vote unless excused for special reasons, justified the course which he had pursued, and that he was not out of order.

Mr. ADAMS, in reply to Mr. PARKS, inquired if it was customary to move the previous question upon three resolutions of vital importance, without a single word of debate, and that too when the motion was made by a member of the committee who reported them, and was sustained by a majority of that committee? He repeated, was it customary to crowd down the previous question, upon subjects so deeply important, without permitting one single word of debate?

The CHAIR reminded the gentleman that he was wandering from the question before the House.

Mr. SPEIGHT had a single word to say in reply to the gentleman from Massachusetts. He would ask him whether it was customary, when a bill was reported for rechartering the Bank of the United States, to press the previous question several times the same day upon it, without permitting any debate?

The CHAIR said the gentleman was not in order.

Mr. BRIGGS said the House had decided by a large majority that the question of excusing members from voting must be postponed until after the question before the House was decided. Directly following that decision, the gentleman from New York [Mr. GRANGER] rose while the call of the yeas and nays was progressing, and attempted to assign his reasons for not voting. The gentleman could as properly have arisen when his name was called, and moved to adjourn, or to recommit the resolutions, as to do what he desired at the time. He thought that the amendment proposed to the journals ought not to be made.

Mr. MANN, of New York, said he was opposed to the motion entirely. His colleague [Mr. GRANGER] yesterday undertook knowingly to commit a violation of the rules and orders of that House and his duties, for the purpose of escaping the responsibility of voting upon a delicate resolution, in the peculiar attitude he now occupied before the country; and he (Mr. M.) would therefore not agree to extend to him any favor or courtesy whatever.

Mr. WHITTLESEY, of Ohio, supported the amendment proposed by the gentleman from New York, and, in the course of his remarks, was called to order several times by the Chair, on account of the irrelevancy of the topics which he discussed.

Mr. ADAMS requested permission to state the essential difference between the case cited yesterday by the Chair, as a precedent, and the case upon which the decision was made. He was proceeding, when

The CHAIR said that what the gentleman proposed to state would have been a proper argument pending the appeal yesterday from the decision of the Chair, but that it was not now in order.

Mr. VANDERPOEL moved the previous question; which was seconded—ayes 86, noes 49—and the main question was ordered to be put.

The amendment of Mr. GRANGER was then negatived: Ayes 60, noes 96.

The journal was further read, when Mr. ADAMS inquired whether there was any entry made in reference to his not voting on the third resolution?

The CHAIR said that it was stated the gentleman declined voting.

Mr. ADAMS did not decline voting. He had answered to his name, and had sent that answer to the Chair.

The CHAIR stated that one of the messengers had handed to him, for what purpose he knew not, a paper which he believed to be in the handwriting of the gentleman from Massachusetts, to this effect: "I hold the resolution to be in direct violation of the constitution of the United States, of the rules of this House, and of the rights of my constituents."

Mr. ADAMS then moved to amend the journal by stating, "when the name of Mr. ADAMS was called, he answered"--(as above stated)—"and sent his answer to the Chair."

Mr. A. proceeded to read the case cited by the Chair, of 1832, when the decision of the main question was announced where a member asked to be excused from voting, without first determining the question of excusing; when he was interrupted by

The CHAIR, who said that this case had no relevancy to the motion which had been made to amend the journal. It was a mere question of fact, to be decided by the House, and the debate upon it must be confined to very narrow limits.

Mr. ADAMS desired to cite the case of 1832, as a reason why his amendment should be adopted.

Mr. A. continued his remarks, and proceeded to read from the case of 1832, when

The CHAIR again interrupted him, and remarked that it was not in order to discuss, upon the present motion, what the House had done on a former occasion. He could not see what bearing the case which the gentleman was reading could possibly have on the question before the House.

Mr. ADAMS. I appeal from the decision of the Chair. I am not discussing the question. I am reading this precedent in order to show that my reasons should be entered on the journal for not voting on the third resolution. He was proceeding to characterize the document which he had before commenced reading, when

The CHAIR said it was not competent for the gentleman to do that indirectly upon the appeal, which it had been decided he could not do directly upon his motion to amend the journal.

Mr. MANN, of New York, moved the previous question; which was seconded—ayes 95, noes not counted—and the main question was ordered to be put.

After some conversation between Messrs. PHILLIPS, WISE, ADAMS, E. WHITTLESEY, WILLIAMS of North Carolina, and the CHAIR, the question was taken upon the appeal of Mr. Adams, and the decision of the Chair was sustained: Ayes 97, noes 40.

The motion of Mr. Adams to amend the journal was then negatived, without a count.

Mr. ADAMS asked, as a favor, that the House would so amend the journal as to state, that when his name was called on the vote upon the third resolution, he "answered, but did not vote."

This motion was discussed by Messrs. ADAMS, TALIAFERRO, ANTHONY, HAMER, WISE, and DROMGOOLE, when

Mr. VANDERPOEL remarked that, had the gentleman from Massachusetts have asked to be excused at the time the vote was taken, he would not have opposed his present request. He had, however, declined voting, and had thereby violated the rules of the House. Mr. V. was of opinion that sufficient time had been consumed by gentlemen in the attempt to remedy their own disorder. He therefore moved the previous question; which was sustained by the House.

The amendment proposed by Mr. Adams was then negatived: Yeas 55, nays 117.

The remainder of the journal was then read, when (it being half past one o'clock) the House proceeded to the consideration of the orders of the day.

POST OFFICE DEPARTMENT.

In execution of the special order of yesterday, the House resumed the consideration of the "bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

The question pending was on concurring with the Committee of the Whole in their proposition to amend the bill, by inserting the following clause:

"Sec. 38. *And be it further enacted,* That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

"For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

"Over fifty, and not exceeding one hundred miles, ten cents.

"Over one hundred, and not exceeding two hundred miles, fifteen cents.

"Over two hundred, and not exceeding four hundred miles, twenty cents.

"Over four hundred, and not exceeding eight hundred miles, twenty-five cents.

"Over eight hundred miles, thirty cents.

"And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided,* That all letters and packets of one ounce, avoirdupois, in weight, or more, shall be charged single for every quarter of an ounce."

The question immediately under consideration was the motion of Mr. Johnson, of Louisiana, to amend the fifteenth line by striking out "thirty," and inserting "twenty-five" cents.

Mr. CONNOR remarked that the tariff had been made out with great care by the committee, after much consultation with the Department, and he was well assured that no further reduction could be made, without throwing the expenses of the Post Office Department to a certain extent upon the Treasury.

Mr. VANDERPOEL said his objection to this item was only one of a series of objections he had to the whole section. He entered into a detailed examination of the old and present rates, and contended that loss would accrue by the proposed new tariff.

Mr. REED was well convinced, that the lower the rates of postage were, the greater would be the revenue. He was in favor of the motion to reduce the sum to twenty-five cents as the maximum, and was disposed to go still further than that, in some of the other rates.

Mr. MANN, of New York, then sent to the Clerk's table a letter from the Postmaster General to the Committee on the Post Office, on the subject of reducing the rate of postage, which was read. The section had been draughted in conformity with the views of that letter.

Mr. DENNY thought the committee had consulted more the convenience of the Department, its officers and clerks, than the convenience of the people. The effect of retaining the amount of thirty cents for all letters over eight hundred miles would be to cause a great reduction of the revenue, inasmuch as merchants would forward their letters by private conveyances. He was convinced this would be the case on the lines of the large navigable rivers, particularly between New Orleans and the cities of the West.

Mr. JOHNSON, of Louisiana, was opposed to the whole section, and as soon as his amendment was disposed of he should move still further reductions, and if they were rejected, he should move to strike out the whole section; for he preferred the old tariff to the proposition of the committee. As for the reduction from 6¼ to 5 cents, and from 12½ to 10 cents, it was no reduction at all to the people of the West, for they had neither cents nor ten cent pieces, or very few.

Mr. VINTON was totally opposed to all the section, except that of reducing the postage from 6¼ to 5 cents. He wished to carry the graduation of reduction still further, and at the proper time he should move an amendment accordingly, making 15 per cent. on the old rate of postage. This would increase instead of reducing the revenue.

Mr. CAMBRELENG concurred with the gentleman, that the mere circumstance of reducing the tariff would not reduce the revenue; but he did not agree with the gentleman in his proposed reduction. Mr. C. said he should himself propose a different scale of reduction at a proper time, which he read.

Mr. CHAMBERS, of Pennsylvania, disapproved of the proposition of the committee, and should prefer that of the gentleman from New York. He urged the gentleman from Louisiana not to press his amendment.

Mr. JOHNSON, of Louisiana, then withdrew it, and

Mr. CAMBRELENG moved the following as the tariff of rates of postage: Retain the first clause of the section, and strike out all after the 7th to the 15th line of the section, inclusive, and insert "over 50 miles, and not exceeding 150, ten cents; over 150 miles, and not exceeding 400, fifteen cents; over 400 miles, and not exceeding 800, twenty cents; over 800 miles, twenty-five cents."

Mr. CHAMBERS, of Pennsylvania, entirely approved of these rates, and hoped they would be adopted by the House.

Mr. TOUCEY was more in favor of the proposition of the committee, with the single exception of the rate of 30 cents over 800 miles, than he was of that of the gentleman from New York.

Mr. HUNTSMAN advocated the reduction of the tariff to the lowest possible rates, and was opposed to the section as it stood in the bill.

Mr. PEARCE, of Rhode Island, was in favor of the reduction from thirty to twenty-five cents; but he did not think, after all the proposed additional routes were put into operation, that there would remain so great a surplus as gentlemen seemed to flatter themselves there would be. He entered into a variety of details, showing the great advantages that would accrue to the community in consequence of the proposed reductions by the committee.

Mr. HALL, of Vermont, supported the original clause. He had no hesitation in averring that, if the proposition of the gentleman from Kentucky should be adopted, the Post Office Department would be upon the Treasury, as a burden, in less than a year from this time. He had no particular objection to change the rates from thirty to twenty-five cents for single letters over eight hundred miles, but he earnestly hoped that every other portion of the clause would be retained.

Mr. HAWES should vote against the amendment, against the proposition of the committee, against every other proposition in relation to the subject of the rates of postage, because he preferred the old plan. With regard to the reduction from 6¼ to 5 cents, it would be no reduction at all to the people of the West, but would benefit the postmasters only, inasmuch as five and ten cent pieces were rarely or never seen in circulation.

The proposed amendment was further discussed by Messrs. ANTHONY and CAMBRELENG, when the latter gentleman withdrew his amendment, and

Mr. LAWRENCE renewed it.

And the amendment was further discussed by that gentleman, Messrs. ADAMS, McKEON, MANN of New York, REED, UNDERWOOD, BRIGGS, VANDERPOEL, P. C. FULLER, CONNOR, and HAWES.

Mr. MONTGOMERY rose and said: Sir, I am in favor of a reduction of the postage upon letters generally; I am therefore greatly opposed to the 30 cents, the postage reported by the committee, upon all single letters carried over 800 miles, because it is a large increase. I am unwilling to increase the postage for any distance whatever; and I believe I will vote against the bill, if that item be not stricken out, and I should regret to be compelled to do that, for there are some valuable provisions in the bill, and if the committee will consent to strike out of the bill the 30——

[Mr. Mann, of New York, rose and said the committee would agree to strike that item out of the bill.]

Mr. M. resumed. Sir, I would suppose that it would be a reduction upon the postage, perhaps equal to the amendment offered by the gentleman from Massachusetts, [Mr. Lawrence;] and if so, I would prefer it, and will vote against the amendment, and for the bill thus amended. I cannot do so under an impression that it is a reduction of postage, which I am satisfied can be made without injury to the Department, or the least endangering the withdrawal of any of the mail accommodations now enjoyed by the people; for to that I am not only opposed, but I would be willing and am desirous of seeing them greatly extended, even should it become necessary to aid the Department with additional means to do so. But I apprehend there is no danger of that; for when we take into consideration the situation of that Department some time past, and its present condition, all the facts in relation thereto go to prove that a large reduction may be made upon the tariff of postage, and the Department still will be sustained by its receipts. I am brought to these conclusions from my convictions of the practical effect of a reduction of the tariff of postage. Upon all communications by mail, I would fix as the maximum of charge upon letter postage 20 cents, and the minimum 5 cents, and regulate the distances appropriately to the different sums; beginning at 5 cents and rising to 10, 15, and 20. This would make our tariff of postage accord with our federal coin, which would greatly obviate the difficulty of making change now experienced in the post offices.

I have said, Mr. Speaker, that I believed that the Department could be sustained at these rates of postage; and in this I am, I think, well sustained by a printed document, now before me, which shows the balances for and against the Department at the end of each quarter, commencing with the quarter ending 30th September, 1833, and ending on the 30th June, 1835, as follows:

	Gross revenue.	Expenditure.	Excess of revenue.	Excess of expenditure.
1833.				
Sept. 30	$655,242 88	$746,098 15	–	$90,855 27
Dec. 31	720,209 27	747,415 52	–	27,206 25
1834.				
Mar. 31	729,600 51	699,205 86	$30,394 65	
June 30	718,696 00	717,885 00	811 00	
Sept. 30	725,273 03	703,494 75	21,778 28	
Dec. 31	724,542 34	701,497 08	23,045 26	
1835.				
Mar. 31	763,494 47	680,652 66	82,841 81	
June 30	780,046 82	671,705 59	108,341 23	

This statement shows an increase that will give a surplus of nearly or quite half a million in the present year, without taking into the calculation the progressive increase of each quarter over the preceding one, which would swell the amount to a much larger sum. The whole amount necessary to put into operation the new routes proposed by the bill reported by the Committee on the Post Office and Post Roads is estimated at the sum of three hundred thousand dollars; then, it will be seen that a large surplus, amounting to $200,000, will be found in the Department, to meet any reduction of postage that may occur from the reduction upon the tariff of postage proposed in the bill, after striking out the 30 cent item in the bill reported by the committee, or by the amendment proposed by the gentleman from Massachusetts. So there can be no danger of any reduction of the mail accommodation in the country, which I would be as unwilling to see take place as any member of this House. I do not subscribe to the doctrine advanced by some gentlemen upon this floor, that this proposed reduction upon the tariff of postage will reduce the income into the Department; for I am strongly inclined to believe that the reduction of price will beget an increased correspondence, that will swell the receipts into the Department to the usual amount, if not beyond it.

The question was then taken on the amendment originally moved by Mr. Cambreleng, subsequently renewed by Mr. Johnson, of Louisiana; and it was decided in the affirmative: Yeas 90, nays 85.

The question then recurred on agreeing to the amendment as amended.

Mr. MANN, of New York, expressed the hope that the House would now non-concur with the Committee of the Whole in the whole amendment; for he was convinced the Department could not get along with the amendment just adopted. He remarked that, at the next session, it was proposed to take up the subject of postage on newspapers, periodicals, and pamphlets, when the subject of rates of postage on letters might also be acted on.

The amendment was further discussed by Messrs. WILLIAMS of North Carolina, MILLER, BRIGGS, FRENCH, LANE, WHITTLESEY of Ohio, and CONNOR.

Mr. MANN, of New York, moved a suspension of the rules, to enable him to move that this bill and the post route bill be the special order of the day for Monday next, at eleven o'clock, and each succeeding day, until they be disposed of. Agreed to.

Mr. MANN then submitted his motion.

Mr. VINTON moved twelve o'clock. Lost.

The motion of Mr. Mann was then agreed to.

Mr. MARTIN moved to reconsider the vote by which the amendment of Mr. Johnson, of Louisiana, was agreed to.

The House then adjourned.

Saturday, May 28.

COMMERCE AND NAVIGATION.

Mr. CAMBRELENG moved to take up the motion heretofore submitted by him for printing an extra number of copies of the annual report of the Secretary of the Treasury on commerce and navigation.

Objection being made, **Mr. CAMBRELENG** moved to suspend the rules; which was agreed to: Ayes 100, noes not counted.

Mr. CAMBRELENG then modified his motion, so as that 10,000 extra copies (which he stated to be the usual number) be printed.

Mr. HIESTER moved to amend by striking out 10,000 and inserting 5,000.

After a few remarks by Messrs. **CAMBRELENG, HIESTER, ROBERTSON, ADAMS,** and **ANTHONY,**

Mr. GIDEON LEE said that he was unwilling to consume a moment of time unnecessarily; but his information on this subject differed so very widely from the views taken by some other gentlemen, that he felt constrained to beg the attention of the House for a few minutes. This document was by far the most important paper emanating from this Government, and was more earnestly sought for as well in Europe as in America, saving only the messages of the President. Not only was it required by every merchant and trader, as stated by the gentleman from Massachusetts, but was no less required by every farmer, planter, and manufacturer. This paper recorded truly and faithfully the commercial transactions of this great nation, detailing, item by item, the quantity and value of our annual imports and exports—the pounds of cotton, tobacco, rice, corn, flour,—the manufactures, the total produce of the fields, the forest, the ocean, the mines, the shops, amounting to two hundred and eighty millions of dollars. Every man, of every trade and profession, should have it. Ten thousand copies were usually printed, and he was informed by the officers of this House, who have charge of the documents, that this number had fallen far short of the pressing demands. He hoped the greatest number of copies moved would be printed. The great item of cost was in setting up the types of this tabular printing--this was already incurred. The subsequent copies would cost less than one third of those now ordered. He hoped the House would order the highest number moved.

After some remarks from **Mr. PHILLIPS,**

Mr. MILLER moved the previous question; which was sustained by the House, and the motion to print 10,000 extra copies of the document referred to was agreed to without a count.

INDIAN APPROPRIATION BILL.

Mr. OWENS made an ineffectual attempt to call up the resolution heretofore reported by the Committee of Ways and Means, fixing on a day for the consideration of the bill in relation to the public deposites.

Mr. E. WHITTLESEY called for the orders of the day.

Mr. CAMBRELENG said he had understood that the chairman of the Committee on Indian Affairs [Mr. Bell] had intended this morning to report the Indian bill, which was sent to the Senate near two months ago, and had been returned to the House with various amendments. He rose for the purpose of inquiring whether the report would be made; and if it should be, he hoped the House would act upon the bill promptly, as it was very important to the public service that these appropriations should be finally acted upon.

Mr. BELL had not reported, because certain documents from the War Department had not been communicated, but were expected in a few days. He would, however, ask leave to report at that time, and that the bill be made the special order for to-day.

Objection being made, the rule was suspended for the purpose of enabling the gentleman from Tennessee to report the bill: Yeas 144, nays 30.

Mr. BELL, from the Committee on Indian Affairs, then reported the bill, which originated in the House, making appropriations for the current expenses of the Indian department, for Indian annuities and other similar objects, for the year 1836, with amendments to a portion of the amendments of the Senate, and recommending the House to non-concur in other amendments of that body; the bill was referred to a Committee of the Whole on the state of the Union.

Mr. BELL moved to suspend the rules for the purpose of moving to go into committee on the foregoing bill; which was negatived without a count.

The bill and amendments were then ordered to be printed.

PEA PATCH ISLAND.

The House resumed the consideration of the bill to authorize a compromise, and secure to the United States the title to the Pea Patch island, in the river Delaware.

The question being on the passage of the bill,

Mr. MILLIGAN rose and spoke as follows:

Mr. Speaker: It is not without regret that I rise to address the House at this time. They will do me the justice, however, to admit that it is a privilege I rarely exercise; and I should gladly have abstained from it on the present occasion, if I could have reconciled it with my sense of public duty. But the character of the bill before you leaves me no choice; for, notwithstanding it is denominated a private bill, and comes up for consideration on the days allotted to such subjects, it is nevertheless one which involves a conflicting claim of jurisdiction between two of the sovereign States of this confederacy. It is on this account, and because the State which I have the honor to represent on this floor is one of the parties to be affected by it, that I feel some solicitude as to the course which the House may ultimately see fit to adopt.

With regard to the individual who is to be relieved by this measure, I stand entirely disinterested. He is altogether unknown to me, and I am wholly unacquainted with any of his family or connexions. I have not even the advantage claimed by the honorable gentleman from Tennessee, [Mr. Peyton,] of having fallen in with his agent in the course of my travels; nor of the honorable gentleman from Illinois, [Mr. Reynolds,] of ranking him among my constituents. I can, therefore, have no indirect object, either of friendship or of enmity, to subserve, by sustaining or by defeating his application. All that I require on this occasion, and which, as a member of this House, I have a right to demand, is, that before the Treasury, whose constitutional guardians we are, shall be taxed with the payment of this claim, the party seeking it shall exhibit satisfactory evidence of something like a valid title to the property about which he proposes a compromise.

And what, let me ask you, sir, is the evidence he adduces? Why, simply his own unsupported allegation that the title is in him, and that he derives it from some one who, in his turn, derives it from the State of New Jersey. I say that we have merely his own allegation: for I have looked carefully through the report of the committee, together with the accompanying documents, and I have met with nothing in the nature of proof--not a certificate; not a single copy of a record; not a solitary affidavit; not even an averment.

Now, sir, in relation to some of the most material facts, such as I am sure have exerted a considerable influence on the minds of many members here, give me leave to say that, if the whole evidence had been produced, it would have presented this case in a very different aspect. Take, for example, the fact with regard to the position of this island; and then, again, as connected with it, the other fact as to which side of it the main channel is to be found. Both of these have been roundly assumed to suit the purposes of this case. The Committee on Military Affairs, who reported this bill, and who, by the way, ought never to have had cognizance of it, called for no information, and have accordingly furnished none on this point. They seem to have relied for the facts, as well as for the argument, on the brief of the district attorney of the United States for the district of New Jersey; but to whose statement I by no means assent. During the late recess of a few days, while our hall was undergoing some little change preparatory to a summer session, it so happened that I made a visit to the neighborhood of this disputed territory. Indeed, at all times, I reside at no very remote distance from it; and from what information I gathered on the occasion alluded to, and at other periods, I have no hesitation in saying that the statement which found such ready credence here, that the island is nearer the New Jersey than the Delaware shore, is an entire mistake. On the contrary, it is affirmed by those whose judgment is entitled to respect, and who have the best opportunity of knowing, to be about equi-distant from the two shores. So, likewise, with regard to the channel. I have seen and conversed with several highly intelligent persons who have lived nearly all their lives in the vicinity of this place, and who, from their pursuits, are thoroughly acquainted with the navigation of the river Delaware, and they have assured me that the channel is nearly as good on one side of this island as the other; and that vessels are more influenced in selecting one or the other by the winds which happen to prevail at the time than by any other circumstance; that they have witnessed some of our largest frigates pass between the Pea Patch and the New Jersey shore; and that, in fact, they believe, although not now so generally used, the eastern was formerly the best channel. The course of the currents, however, influenced in some measure by the very formation of this island, together with the constant abrasion which is taking place at one extremity, and the consequent deposite of sand and mud at the other, lead many to apprehend that this channel may, in time, be affected by it; but at present it is navigable to ships of the heaviest class. In fact, one great advantage that this island possesses as a site for a fortification is, that it completely commands both passes of the river Delaware; for, in taking either, a vessel is brought directly under the whole range of the guns of the fort.

If, then, these statements, with regard to the position of the island and the channel, be true, (and surely they are entitled to as much weight as the unsustained allegations on the other side,) what becomes of that rule of the law of nations, so much relied on, that when two sovereign and independent States border upon a navigable stream, each claims to the centre of the river, and all islands then existing, or which may afterwards arise, go to the contiguous shore. In the first place, the facts of this case, when properly set forth, do not admit of its application; and, in the second place, if they did, I should meet this general principle by the assertion of another, to wit: that where States claim not by conquest or discovery, but by charter, as is the case with New Jersey and Delaware, they are strictly confined to those charters for their respective limits. And in support of this doctrine I cite the case of Handly's lessee *vs.* Anthony, in 5th Wheaton's Reports. This is a leading case, and must be familiar to all professional gentlemen on this floor, particularly those coming from the West, involving, as it did, a question of boundary between the States of Kentucky and Indiana. I shall not, therefore, take up the time of the House by reading it.

Again, sir, in the absence of all proof, and in direct opposition to notorious facts, many erroneous statements have been made as to the value of this island, and the nature of the improvements which were erected there by the present claimant, before the United States came into possession. So likewise as to the mode and manner of taking that possession. My honorable friend from Tennessee, who sits near me, and who I regret not to see in his seat at this moment, has perhaps gone the farthest in this sort of exaggeration, (no doubt altogether unintentionally,) in a burst of generous feeling which did honor to his heart. While he was commenting on the manner in which the claimant was driven off by the United States, he appeared to consider his abode at the Pea Patch as a perfect paradise—a second Blannerhasset's island—where he had erected temples, and planted groves, and surrounded himself with every thing that was pleasing to the eye or grateful to the sense. And thus considering it, he very naturally proceeded to place a high valuation on it. He told us that it was worth at least $1,000 per annum; that he could easily have realized that sum for it. Now, sir, what will be the astonishment of the House when I tell them that this enchanted island, this fairy land, from which this poor, persecuted man was forcibly driven, by the cruel and unrelenting power of the General Government, was a mere sand-bar, a mud-flat, incapable of human habitation; nothing, in short, but a rookery for crows, and that rookery at least four feet under water every high tide. Instead of being worth a thousand dollars a year, it would not, for the purposes of agriculture, have brought a thousand cents a year. It would never have repaid the expense of embankment; it would literally have swamped any one who had undertaken such a project. And, sir, with regard to the violence alleged to have been exerted by the United States to obtain possession of this mud-flat, where, let me ask, is the evidence of it? Why has it not been produced? From the statement made by the honorable gentleman from New Jersey, who addressed the House when this bill was last under discussion, it amounted almost to a Texian war. And with the aptitude he has shown for hunting up old documents at the War Office, I actually expected to see him pull out a list of the killed and wounded on the occasion. As, however, none has been produced, and the agents of the Government employed there at that time were engineers and non-combatants, I infer that the authorities of the United States took peaceable possession; and that the contrary is now asserted merely for the purpose of rounding off a claim for damages.

But I am willing, for the sake of argument, to waive this objection, arising out of the non-production of testimony, and join issue with the honorable gentleman upon the question of title. I am willing to admit that the true point in controversy is, whether the title to this island, before its cession, was in the State of New Jersey, or in the State of Delaware; for if in the first, there can be no doubt that it passed to the present claimant; if in the last, that it vested in the United States. Before entering on the consideration of this question, however, I must notice a preliminary remark that fell from the honorable gentleman, when narrating the causes which have prevented the General Government from settling this claim. I heard it with regret, and am sure it escaped him without due reflection. When commenting on a paper, purporting to be an agreement entered into between the agent of Dr. Gale and a former Secretary of War, (John H. Eaton,) by which it was stipulated that a certain amount should be paid the claimant whenever the Government were satisfied as to the validity of his title, he said that, but for the statement contained in the opinion of Messrs. Rodney and Read, the Attorney General (Mr. Butler) would have had no difficulty in making up his mind. All this may be true. But he then proceeded to charge those highly respectable gentlemen with wilfully misstating the facts. It is to this I except. And I take upon me to say, in my place here, from a thorough knowledge of their characters, that it is utterly impossible that either of them could be guilty of any such conduct.

[Mr. Dickerson explained. He said he did not wish to be understood as charging those gentlemen with wilfully perverting the facts; he knew they were incapable of it; but what he did say was, that they were mistaken in some of the statements they had made.]

I am happy, sir, to receive the explanation. Whatever may have been the expressions which escaped the honorable gentleman in the warmth of debate, the qualification which he has made in his cooler moments is nothing more than I might have expected from his sense of justice, and his known urbanity of disposition. But I will proceed to show that the distinguished gentlemen referred to were not even mistaken in their statements. My honorable friend from New Jersey certainly complained (and, as well as I recollect, it so appears in his published remarks) that Messrs. Rodney and Read should have said that "large sums of public money have been judiciously expended, without the slightest notice of an adversary claim." Understanding this as an attack on the present claimant, he undertakes to refute it; and for this purpose he refers to letters which he has received from the War Department, showing when the first expenditure on this fortification took place. This, it appears, was in 1817. But does it follow, because this was the first expenditure on the fortification, that there was no money expended on the island prior to that time? If the gentleman thinks so, he is deceived, and he has been the innocent cause of deceiving others. Large sums had to be laid out in preliminary work, such as embanking the island, cutting drains, laying sluices, and driving piles, before it was possible to erect a fort; and I have the documents by me to prove it.

But even admitting, according to these letters from the War Office, that this expenditure in 1817 was the first either on the island or the fort, does it therefore follow that Messrs. Rodney and Read were in error when they affirmed that large expenditures had been made before the Government ever received notice of an adversary claim? By no means. So far from it, these very letters prove that the first notice or intimation of a claim on the part of Dr. Gale was in the month of February or May, 1818. But, besides this, sir, I have before me a report from the engineer-in-chief, sent here by Mr. Calhoun, when he was Secretary of War, in 1820, under a resolution of this House, and printed by the order of this House, showing that the works at the Pea Patch island were commenced as early as the year 1815, and that, between the 1st of January, 1816, and the 31st of December, 1819, nearly two hundred thousand dollars had been expended on this place. Well then might Messrs. Rodney and Read affirm that large disbursements of public money had been made before the Government were advised of this claim. And my only surprise is, that the gentleman from New Jersey, in his anxiety to defend Dr. Gale, should go out of his way to question the statements of these eminent counsel. I trust, however, he is now convinced that it was himself, and not they, who were in error; and that, as some further atonement, he will adopt the converse of his own rule, to wit: as he finds them, on investigation, to be correct in one of the statements he impugned, so he will give credence to all others they may have made.

I revert now to the title of New Jersey. I admit that the first question is, whether she ever had any to dispose of; for, if she had not, it is clear that those who claim by virtue of her authority can be in no better condition. Whether she had or had not, can be easily ascertained, by referring to the grant or charter for that portion of territory now known as the State of New Jersey. And if, upon such reference, it shall appear that the island called the Pea Patch falls within the limits therein described, there is at once an end of the matter. The title will then be proved to have been in her, and Dr. Gale, or whoever else she may have transferred her right to, will be the real owner of the property, and can justly demand either that the Government shall pay what he asks, or surrender back the possession. And, sir, if the party, as I suggested on a former occasion, will only consent to submit this question to a judicial investigation, and bring this claim here, backed by the judgment of a court or the verdict of a jury, I, for one, will pledge myself to vote for any sum that, in reason, he may demand. I will allow him all the back rents that may have accrued since the cession to the United States, and in my anxiety to do him justice, I do not know whether I would not also be willing to allow him the modest pittance of ten thousand dollars which he claims, in way of satisfaction for the outrage done to his feelings, when, according to his account, he was forcibly turned out of possession. But as his friends seem to shrink from such an investigation; as they appear to dread a court, and prefer rather to press his cause here than to go before a legal tribunal, we must be content to examine his pretensions according to the best lights that are before us. As I understand them, and as they have been avowed here in debate, he rests them altogether on the right of the State of New Jersey, which, as I have already remarked, depends upon, and can be determined by, a reference to her charter. That charter, sir, was first granted in 1663-'4, by King Charles II to his brother James, Duke of York, who, in the same year, transferred, by deeds of lease and release, all his right and title to this section of country to Lord John Berkely and Sir George Carteret. I must ask the indulgence of the House while I glance, for a moment, at these instruments. They are to be found in the first volume of an old edition of the laws of New Jersey. [Here Mr. M. read extracts from these deeds, and then proceeded.]

It is manifest, I think, upon the face of these grants, that the limits of New Jersey can never, by any fair construction, be made to comprehend the island which is the subject of dispute. The words of description are: "and all the lands from the west side of the Connecticut river to the east side of Delaware bay." They do not, as has been pretended, call for the centre of the stream, or the bed of the stream, or the main channel; but they call for the eastern side. Had it been intended to include the river or bay in the grant, words to that effect would no doubt have been used, for when the King wished to convey to his brother a right to the Hudson river, he employed terms indicative of that purpose. In that case, he gave the river by name—"together, also, with the said river called Hudson's river;" but, when he comes to speak of Delaware river or bay, he speaks of it as a line that is intended to mark a boundary; and of course the words employed call only for its eastern side. And that this is the true construction is further proved by the words of the deed of lease and release from the Duke of York to Berkely and Carteret, wherein he uses these remarkable words; "All that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhatten's Island, and bounded on the east, part by the main sea, and part by Hudson's river, and hath upon the west Delaware bay or river." There can be no question, therefore, that, according to the plain meaning and the true interpretation of these instruments, the limits of the State of New Jersey on the western side stop at the water's edge, or, at all events, do not extend beyond "low-water mark." And so the late Judge Washington has decided. In the very case of Corfield *vs.* Corryel, cited by the honorable gentleman from New Jersey, the introduction of which by him struck me, I confess, with surprise, that eminent judge held the following language. I read, sir, from Washington's Circuit Court Reports, vol. 4, page 384:

"Secondly. The next general question to be considered is, whether the boundaries of the State of New Jersey include the place where the Hiram was seized whilst engaged in dredging for oysters. The grant from Charles II to his brother, the Duke of York, of the territory of which the present State of New Jersey was a part, dated the 12th of March, 1663-'4, was of all that territory lying between the rivers St. Croix, adjoining Nova Scotia, and extending along the seacoast, southerly, to the east side of the Delaware bay, together with all islands, soils, rivers, harbors, marshes, waters, lakes, fishings, huntings, and fowlings, and all other royalties, profits, commodities, hereditaments, and appurtenances to the same belonging and appertaining, with full power to govern the same."

The grant of the Duke of York, dated the 24th of June, 1664, to Lord Berkely and Sir George Carteret, after reciting the above grant, conveys to them all that tract of land lying to the eastward of Long Island, and Manhatten's Island, bounded on the east, part by the main sea and part by Hudson's river, "and hath upon the west Delaware bay or river, and extendeth southward," &c., with all rivers, fishings, and other royalties to the said premises belonging, &c.

There is no material difference between these grants as to the boundaries of New Jersey on the westward; and we are of opinion that, although the rule of the law of nations is that, where a nation takes possession of a country separated by a river from another nation, and it does not appear which had the prior possession of the river, they shall each extend to the middle of it; yet that, when the claim to the country is founded not on discovery and occupancy, but on grant, the boundary on the river must depend upon the just construction of the grant, and the intention of the parties to be discovered on its face. Taking this as the rule, we think the claim of New Jersey, under these grants, to any part of the bay or river Delaware, below low-water mark, cannot be maintained. The principle here suggested is, we conceive, fully recognised and adopted by the Supreme Court in the case of Handly's lessee *vs.* Anthony, 5 Wheaton, 374. Neither do we conceive that the limits of the State can, by construction, be enlarged by virtue of the grant of all rivers, fishings, and other royalties; which expressions ought, we think, to be confined to rivers, fishings, and royalties, within the boundaries of the granted premises."

And here let me remark, sir, that I strongly suspect it was this very opinion of Judge Washington's which has prevented the present claimant from prosecuting his suit to a conclusion. It was not, as some gentlemen would have us believe, the want of means; it was not broken fortunes or ruined health, but it was the decision I have read to you. He knew, or at least his legal advisers knew full well, that this decision, so far as he claimed through New Jersey, was a complete bar to his recovery. and so they will find it, unless I am greatly deceived, if ever they have the temerity to go to trial.

The truth is, as Judge Washington asserts, that, under her charter, New Jersey could not lawfully claim or exercise jurisdiction beyond low-water mark. And it follows as a necessary consequence from this fact, that she could have no possible right to the island in question, which is full one mile beyond that point. But, says the gentleman from New Jersey, the State of New Jersey now holds other islands in the Delaware river beyond low-water mark. I answer that, whatever islands she may now hold above the circle of twelve miles around Newcastle, are held in consequence of an agreement entered into between herself and Pennsylvania, which latter State very complaisantly consented to appoint commissioners, to meet those deputed on the part of New Jersey, to arrange this identical subject. The State of Delaware never accepted the invitation for this purpose, though repeatedly solicited by New Jersey. Her Legislature said, and said properly, that they had no idea of treating for what already belonged to them; that they might as well be asked to negotiate for the coats on their backs. Both States, therefore, stand towards each other, in relation to boundaries, precisely where they were left by their original grants.

With regard to the title of Delaware, as I had occasion to remark when this bill first came up, she rests it mainly on the two deeds of feoffment from the Duke of York to William Penn, executed on the 24th of August, 1682. The first is for that portion of territory comprehended within the compass or circle of twelve miles around the town of Newcastle; the last, for what lies between the southern extremity of this circle and Cape Henlopen. I pray the House to bear with me while I turn to those grants. They will then perceive why I am so tenacious in my opposition to any claim to this Pea Patch island that is not derived through the State of Delaware. The fact is not to be disguised, that if we had no title to it at the time of our cession to the United States, we have none now for one remaining inch of territory. They both spring from the same source, and must stand or fall by the same instrument. The language in the first deed is, "all that town of Newcastle, otherwise called Delaware, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, lying, and being upon the river Delaware, in America; and all islands in the said river Delaware, and said river and soil thereof, lying north of the southernmost part of said circle of twelve miles about the said town; together with all rents, services, royalties, franchises, duties, jurisdictions, liberties, and privileges, thereunto belonging."

Now, it is obvious--indeed, I believe it is conceded by every one--that this grant from the Duke of York is camprehensive enough to cover not merely the island in question, but the whole Delaware river embraced within its limits; and, in order to escape from the effect of it, it is necessary to impeach its validity. Accordingly, it has been said that the Duke had no title himself, and therefore had no right to make this conveyance to William Penn; that the whole of these lands were obtained by conquest, and that, under the law of England, they would enure to the Crown, and not to the benefit of a private subject.

Here the honorable gentleman from New Jersey, [Mr. DICKERSON,] and the honorable gentleman from Tennessee, [Mr. PEYTON,] branch off in their arguments. The one admits that the deed from the Duke of York covers the disputed island, but denies its validity, inasmuch as he alleges there was previously no charter from the Crown. The other is for trampling upon all charters, and tells us to point to our battle-fields--to the valor of our forefathers—to the blood spilt by them in obtaining their possessions. This is certainly all very fine, sir, as mere rhetorical flourish, but would figure rather awkwardly, I think, in an action of ejectment. Let me assure the honorable gentleman, however, that we can establish our right even according to his requirement. I say it, sir, without boast, but I should be unjust to the memory of the brave, and insensible to the honest pride of those who sent me here, if I failed to remark, that the services rendered by the Delaware line in the war of the Revolution were unsurpassed by those of any of the States who assisted in achieving our glorious independence. If the gentleman wishes to know what fields in that ever-memorable struggle for liberty were stained with Delaware blood, I point him to Long Island, to Brandywine, to Germantown, to the plains of Monmouth; but, above all, to the battle of Camden, where the Delaware regiment, side by side to that of Maryland, bore the brunt of the action, and was nearly cut to pieces. I refer him, sir, to the dying letter of the lamented Baron de Kalb, who fell in that engagement. I refer him to my honorable friend from Maryland, now sitting before me, [Mr. Howard,] whose gallant father, Colonel Howard, acted so prominent a part at the battle of the Cowpens and at Guilford court-house, and let him ask that gentleman the opinion that father entertained of the Delaware regiment. I refer him, sir, to Ramsay's History of the American Revolution, to Marshall's Life of Washington, and to every writer who pretends to narrate the events of that period; and he will find in each and all of them abundant recorded evidence of the valor of Delaware troops, and of the blood they have poured out in the cause of freedom. May I not, then, say to the gentleman, that we rest our title not merely on musty charters, but on those charters sealed with the blood of our fathers?

I return now, sir, to the gentleman from New Jersey. He calls for the royal charter to the Duke of York—he wants to see the letters patent under the great seal. Nothing else will satisfy him, and unless we can produce them, he shall doubt whether they ever issued. The honorable member must pardon me for saying that he is somewhat vacillating in his course, and, on the whole, rather difficult to please. He first doubts whether we ever had a charter from the Crown; and then, in the same breath, says it is altogether immaterial; that whether it be forthcoming or not, it is nevertheless good for nothing, because, forsooth, it covers too much—it covers a part of the county of Salem; but, above all, the town of Salem, which he appears to apprehend Delaware may possibly take it into her head to cede to the United States, for marine barracks or other purposes. In reference to this new suggestion of claiming too much, the answer is easy, and the honorable gentleman may therefore dismiss his fears—the cherished little town of Salem is perfectly safe. It must be obvious to any one who looks at the subject attentively, that the deed from the Duke of York never could, by any fair construction, be extended across the river. And why? Because, by a previous grant from the same grantor, all those lands lying east of the Delaware river had already been granted. The deed to Berkely and Carteret, in 1664, conveyed all that tract of land lying between the west side of the Connecticut and the east side of the Delaware bay and river; consequently, no subsequent grant of the same property could be valid. But will any lawyer undertake to say that a deed containing such a provision would therefore be invalid, for the purpose of passing property in which the grantor had a title? Is it not a well-settled principle of law, that, "*utile per inutile non vitiatur*," or in other words, that a deed may be good as to some parts and void as to the others? It happens every day. And in this particular case, the deed for the circle of twelve miles around Newcastle is a valid instrument, and conveys a good and sufficient title to all property within its limits not previously granted.

With regard to the other question, whether there was or was not a charter from the King to his brother, the Duke of York, I would remark that there is the strongest presumptive proof of its existence. Certain it is that, under the grants of the latter, the agents of William Penn took possession of this territory, and, with the assent of the Crown, held it, and exercised all manner of ownership over it. There never was any attempt made to controvert the title. It is not likely, either, that Penn would have accepted, or that the Duke of York would have executed, a deed without competent authority; and that he actually had a patent from the King is rendered abundantly probable by reference to the royal charter for Pennsylvania. In that instrument, which was made two years anterior to the deeds of feoffment from the Duke of York to William Penn, for what is now the State of Delaware, express allusion is had to the twelve miles circle around Newcastle; thereby clearly establishing the existence of some prior grant answering to this description.

I will turn for a moment to that charter, and beg gentlemen to mark the phraseology. The language is certainly peculiar, and goes far, in my judgment, to settle this question. That part of the charter to which I particularly allude is the following: "Know ye, therefore, that we, (favoring the petition and good purpose of the said William Penn, and having regard to the memory and merits of his late father, in divers services, and particularly to his conduct and discretion under our dearest brother James, Duke of York, in that signal battle and victory fought and obtained against the Dutch fleet, commanded by the Heer Van Opdam, in the year 1665: In consideration thereof, of our special grace, certain knowledge, and mere motion,) have given and granted, and by this our present charter, for us, our heirs, and successors, do give and grant unto the said William Penn, his heirs and assigns, all that tract or part of land in America, with all the islands therein contained, as the same is bounded on the east by Delaware river, from twelve miles distance northward of Newcastle town unto the three-and-fortieth degree of northern latitude, if the said river doth extend so far northward; but if the said river shall not extend so far northwards, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of said river unto the said three-and-fortieth degree. The said lands to extend westwards five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three-and-fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from Newcastle northwards; and westwards unto the beginning of the fortieth degree of northern latitude; and then, by a straight line, westwards to the limits of longitude above mentioned."

Now, sir, it does seem to me that the extract I have read is perfectly conclusive as to the existence of such a prior grant as we contend for. How otherwise can you account for a reference, in the year 1680, to a circle drawn at twelve miles distance from Newcastle, which is said to have had no existence till 1682? Upon any other supposition the thing is impossible. There must have been a prior grant from King Charles II to the Duke of York. Indeed, the honorable gentleman from New Jersey seems himself to have some such impression; for, lest this dreaded parchment might perchance be produced, or its existence established, he shifts his ground a little, and quotes an act of the Legislature of Delaware, passed in 1793–'4, to show that we do not claim by virtue of any grant from the Duke of York, but by virtue of the treaty of peace in 1783. In my judgment, sir, the gentleman is altogether mistaken in the interpretation he has placed upon that statute. According to my reading of it, instead of establishing, it directly contradicts the assertion he has made. I will, however, read it to the House, and leave it for them to decide. It is in the 2d vol. of the Laws of Delaware, page 1174, and is a supplement to an act entitled an act for opening and establishing a land office within that State, &c. It might with more propriety have been called an act for settling and quieting the title to real estates, for such is its manifest object. But here it is. [Mr. MILLIGAN then read the first section of it, and proceeded.] Now, sir, instead of denying, does it not expressly affirm, all titles derived through that instrument, whenever the possession existed prior to 1760? The object in limiting it to that period was, to get rid of the numerous claims set up by the heirs of Penn, the royal proprietary, and which threatened to be a source of vexation and inquietude to many of the good citizens of the State.

But let us recur again to the objection which has been raised against the deed of feoffment from the Duke of York. Even supposing it were true, as is alleged, that at the time of the conveyance to William Penn, the Duke, strictly speaking, had no legal title, how would that help the case of New Jersey? She, at all events, must be confined to her own limits, to the eastern side of Delaware bay and river. And, unquestionably, the undisturbed possession enjoyed for so many years by Penn, and those claiming under him, would, in conjunction with another circumstance I shall mention, cure any defect of title with regard to Delaware. That other circumstance is, that there was actually a new charter granted by the Crown to the Duke of York for this same property, in 1683, one year after his deeds of feoffment to William Penn. This, no doubt, was intended "*ex abundanti cautela,*" and not as by any means necessary to give effect to the two deeds of feoffment. But suppose it were otherwise; then I contend that the legal consequence of this new grant was, to transfer all rights arising under it to the original grantee, William Penn; for there is no doctrine in the law more clearly established, than that a party who erroneously conveys property, under the impression that it belongs to him, is bound afterwards to make assurance, if he himself subsequently acquire a legal title. And, sir, it has been so decided in this very case, and decided, too, by one of the ablest judges that ever adorned the British bench. I allude to the opinion of Lord Hardwicke, expressed in the year 1750, in a suit between Penn and Lord Baltimore, concerning a matter of agreement and boundary. And I refer to this case with the more pleasure, because it touches other points directly connected with the subject we are discussing. It will be seen that he differs widely from my honorable friend from New Jersey as to the value he places on the two deeds of feoffment from the Duke of York, and likewise as to the importance he attaches to length of possession. The case is reported in 2 Vesey, p. 444, and I pray the attention of the House to the following extracts:

"Next, consider the dispute on Penn's charter, which grants him all that tract of land in America, from twelve miles distance from Newcastle, to the 43d degree of north latitude, &c, under which the plaintiffs do not pretend a title to the three lower counties, which relate to the two feoffments in 1682.

"The objection of uncertainty arises principally on the question concerning the circle of twelve miles to be drawn about Newcastle. It was insisted on in the answer, and greatly relied on in America; but it is the clearest part of the cause. As to the centre, it is said that Newcastle is a long town, and, therefore, it not being fixed by the articles, it is impossible the court can decree it. But there is no difficulty in it: the centre of a circle must be a mathematical point, (otherwise it is indefinite,) and no town can be so. I take all these sorts of expressions, and such agreements, to imply a negative: to be a circle at such a distance from Newcastle, and in no part to be further. Then it must be no further distant from any part of Newcastle. Thus, to fix a centre, the middle of Newcastle, as near as can be computed, must be found; and a circle described round that town, which is the fairest way; for otherwise it might be fourteen miles in some parts of it, if it is a long town. Then, what must be the extent of the circle? It is given up at the bar, though not in the answer. It cannot be twelve miles distant from Newcastle, unless it has a semi diameter of twelve miles. But there is one argument decisive, without entering into nice mathematical questions; the line to be the dividing line, and to be drawn north from Henlopen, was either to be a tangent, or intersecting from that circle; and if the radius was to be of two miles only, it would neither touch nor intersect it, but go wide.

"As to the plaintiff's estate and possession, this must concern only the three lower counties, which plainly passed by the feoffment. I will lay aside the question of *estoppel*, which is a nice consideration; for the Duke of York, being then in nature of a common person, was in a condition to be estopped by a proper instrument. In 1663, the Duke of York takes a new grant from the Crown; and, having granted before, was bound to make further assurance, for the improvements made by Penn were a foundation to support a bill in equity for further assurance. The Duke of York, therefore, while a subject, was to be considered as a trustee; why not afterwards as a royal trustee? I will not decree that in this court; nor is it necessary: but it is a notion established in the courts of revenue by modern decisions, that the King may be a royal trustee; and if the person from whom the King takes by descent was a trustee, there may be grounds in equity to support that; and if King James II, after coming to the Crown, was a royal trustee, his successors take the legal estate under the same equity; and it is sufficient for plaintiffs if they have an equitable estate. Then, consider this in point of possession of the Penns, the proof of which is very clear; they have been permitted to appoint Governors of these lower counties, which have been approved by the Crown according to the statute of King William. Indeed, all the acts of possession are with *salvo jure* to the Crown; but the evidence for defendants amounts to this: not of real possession or enjoyment, but of attempts to take possession, sometimes by force, sometimes by inciting people to come there; otherwise why should Lord Baltimore grant here for half what he granted in other places? which shows plainly it was an invitation to get settlers under their title. Now, I am of opinion that full and actual possession is sufficient title to maintain a suit for settling boundaries: a strict title is never entered into in cases of this kind, neither ought it. But what ends this point of want of title to convey is, that no part of the lower counties is left to be conveyed by plaintiffs to defendant; so that nothing being to pass by plaintiffs, it is not material whether they have title to convey or not. But now, in cases of this kind, of two great territories held of the Crown, I will say, once for all, that long possession and enjoyment, peopling and cultivating countries, is one of the best evidences of title to lands, or districts of lands, in America, that can be; and so have I thought in all cases since I have served the Crown; for the great beneficial advantage arising to the Crown for settling, &c., is, that the navigation and the commerce of this country is thereby improved. Those persons, therefore, who make these settlements, ought to be protected in the possession, so far as law and equity can; and both these proprietors appear to have great merit with regard to the Crown and the public; for these two provinces have been improved in private families to a great degree, to the advantage of the mother country: this regards the three lower counties, the strength of which is vastly on the side of the plaintiffs."

Thus, sir, it appears that the title of William Penn to "three lower counties upon Delaware," under the grants from the Duke of York, were recognised in the most solemn manner, and after a thorough investigation by the law officers of the Crown. Under this decision, he continued to hold them up to the period of our Revolution, when all portions not previously conveyed passed immediately to the State of Delaware. That State has ever since claimed and exercised exclusive jurisdiction over this territory. She has, therefore, not only a good, but the best possible of all titles, for she has both the right and the possession combined.

Having the right, she chose, for wise, and national, and patriotic purposes, to transfer it, so far as related to the island in question, to the United States. She did so on the condition before stated, that the United States should erect and maintain certain military works for the defence of that portion of our common country. She was fully aware of the importance and value of the island for that purpose, but she did not ask or accept a single farthing for it. The United States were well satisfied with her title at that time; and if, when they came to take possession, they found Dr. Gale there, (which I much doubt,) he was there as a trespasser and an intruder; for he did not pretend to claim under the State of Delaware, and I have shown, I think, that he could derive no possible title from New Jersey.

The effort, therefore, to awaken public sympathy in his behalf, as one who had been rudely treated by the strong arm of authority, is altogether out of place. There is nothing in the history of the proceedings to justify it. On the contrary, if there be any one who has a just right to complain, it is the General Government and its agents, who have been slandered for acts which they never performed, and pursued with vexatious demands which have no foundation in equity or law.

And the true question now is, will you, because an individual has the hardihood to lay claim to property which is in your possession, and which you are well satisfied lawfully belongs to you, pay him an exorbitant price to compromise, rather than send him to the courts and to a trial before his peers, where you are morally certain he cannot recover? Will any man believe that if the claimant himself had the slightest confidence in the strength of his title, he would hesitate about adopting this course? With a verdict in his favor, how differently could he appeal to this House, and how different a sum might he not demand. Sir, it is because he knows he cannot recover in a court of law, that he is now willing to come before Congress, and run the risk of getting what he asks or taking what you will give.

You already hold his agreement to part with any or whatever title he may possess, whenever you are satisfied as to its validity. But the gentleman from New Jersey complains that you will not pay him before this antecedent condition is complied with. What, I ask, is there to produce this conviction in your minds? What is the evidence relied upon? Why, simply that professional men have differed in their opinions as to the right of the claimant. But is not the weight of authority all one way? For while, on one side, you have nothing but the loose and ill-digested brief of the district attorney for the New Jersey district, together with the doubts of the present Attorney General of the United States on the other, you have the well-arranged and copious argument of the late celebrated Cæsar A. Rodney, and also the lucid and unequivocal opinion of the equally distinguished and much-lamented William Wirt, when he was the Attorney General of the United States.

Under these circumstances, then, can you say, under this man's own agreement, that the condition upon which the money was to be paid has been fulfilled? It is morally impossible. There is nothing, literally nothing, in the case calculated to bring your minds to such a result. Is it, therefore, either just or expedient to adopt the provisions of this bill, which propose to allow him not merely the sum he originally agreed to take, but nearly double that amount? And if expedient for the United States, is it either just or expedient for the State of Delaware, from whom the cession of this island was obtained, and whose rights, I repeat, may be seriously affected by your giving any countenance to this claim? As her representative on this floor, bound at all times, both from inclination and duty, to defend her interests, I protest against it—I protest against any action on the part of this body, which shall have a tendency, directly or indirectly, to compromit her rights, or in any manner call in question her title to one inch of her territory. And, sir, I trust in this I shall find myself sustained not only by all those gentlemen who are the advocates of State rights, but by the sober judgment of the whole House. With a view of testing the opinion of the House, I shall first move to lay the bill on the table; and if I fail in this, I shall then offer a resolution, by way of amendment, proposing that a retrocession of this island be made to the State of Delaware.

When Mr. Milligan had concluded,

Mr. **INGERSOLL** addressed the House at length on the subject.

Mr. **LANE** remarked that much time had been spent in investigating this subject, and it was probable that the debate would, if not arrested, be continued for some time to come. As the facts were all before the House, and as every member was doubtless prepared to vote on the bill, he moved the previous question.

Mr. **VANDERPOEL** moved a call of the House, and asked for the yeas and nays; which were ordered, and were: Yeas 83, nays 14.

A motion was then made that the House adjourn; which was carried: Yeas 51, nays 48; and

The House adjourned.

Monday, May 30.

ADJOURNMENT OF CONGRESS.

Mr. **HIESTER** moved to take up the resolution from the Senate fixing a day for the adjournment of Congress.

Objections being made, Mr. H. moved to suspend the rules for that purpose.

Mr. **CRAIG** moved to amend the motion so as to suspend the rules for the further purpose of taking up and disposing of the resolution reported by the Committee of Ways and Means fixing a day for the consideration of the deposite bill. He was unwilling to fix a day for the adjournment until the bills to which he had referred were acted on.

Mr. **McKIM** moved a call of the House. Lost.

Mr. **HOWELL** moved to lay the motion to suspend the rules, together with the amendment, on the table.

Mr. **HIESTER** asked for the yeas and nays; which were not ordered, and the motion of Mr. Howell prevailed: Yeas 81, nays 56.

INDEPENDENCE OF TEXAS.

Mr. **STORER** asked the consent of the House to present a memorial, adopted at a meeting of the citizens of his district, praying Congress to recognise the independence of Texas.

Objection being made, Mr. S. moved a suspension of the rule, and asked for the yeas and nays; which were not ordered.

Mr. **HARPER** moved to amend the motion so as to suspend the rule for the additional purpose of allowing him to present similar memorials from citizens of the county and city of Philadelphia.

Mr. PARKS moved to lay the motion to suspend the rules on the table.

Mr. CLAIBORNE, of Mississippi, asked for the yeas and nays on this motion; which were ordered.

Mr. PARKS then withdrew his motion; when

Mr. MANN, of New York, renewed it, and asked for the yeas and nays; which were ordered.

The motion to suspend the rules for the purpose stated was then laid on the table: Yeas 116, nays 52.

Mr. JOHNSON, of Louisiana, asked the consent of the House to permit him to present several petitions.

Mr. ADAMS objected, and gave notice that he would not consent to the presentation of any petition out of the usual order, as he had various petitions which he wished to offer.

DECISION OF THE CHAIR.

Mr. CRAIG moved to suspend the rules until one o'clock, for the purpose of considering a resolution reported by the Committee of Ways and Means, fixing a day for taking up and disposing of the bill regulating the deposites of the public moneys in certain local banks.

Mr. OWENS asked for the yeas and nays on the motion; which were ordered.

When the name of Mr. Patton, of Virginia, was called, he rose and asked to be excused from voting, and demanded that the question should now be taken on his application.

Mr. HAMER, of Ohio, hoped the call would proceed, as the question raised by the gentleman from Virginia had been very recently decided.

The CHAIR suggested that the call had better proceed until the roll was called through, passing over the gentleman from Virginia; and, before the result was announced, the question which the gentleman wished to make could be raised.

Mr. PATTON acquiesced in this suggestion, as it enabled him to present the same question, substantially, which he had indicated his purpose to make.

The roll having been called through,

The CHAIR remarked that it was for the House to say whether the motion of the gentleman from Virginia should be decided before the decision of the House was announced.

Mr. PATTON said he wished to know whether the Speaker adhered to the decision he had made the other day, that the vote of the House on the main question must be reported before the motion of a member to be excused from voting was put to the House.

The CHAIR said the result of the vote just taken could not be changed by the vote of the gentleman on either side.

Mr. PATTON said he desired a decision of the Chair, one way or the other, on the question he had made. He could not consent that it should be dodged or evaded, while he and others should be denounced as factious spirits for voting against a decision which those who made and sustained it would not, and dared not, discuss.

The CHAIR stated that he had the other day decided this question, and his decision had been sustained by the House. He now decided that, where a member asked to be excused, or declined voting, the rule being silent as to the time when the question should be decided, the result of the vote should be announced before the question on the application was put. If a contrary practice prevailed, it would be in the power of a few members to arrest the decision of a question. In this case, the result could not be varied by the vote of the gentleman; and he decided that it was the duty of the Chair to announce that result, leaving the question on the gentleman's application to be excused for the subsequent decision of the House.

Mr. PATTON then appealed from the decision of the Chair, and was proceeding to address the House in support of his appeal, when

Mr. MANN, of New York, rose and proposed to call for the orders of the day.

Mr. PATTON said he was entitled to the floor, and should not yield it, unless the gentleman rose to a question of order. He said he was pretty well apprized of what his rights were, and, with the blessing of God, he meant to maintain them.

The Chair has declared (said Mr. P.) the question whether he should be excused could not be decided until the vote of the House had been declared. I mean to show that the decision is not correct. The same decision had been made a few days ago by the Speaker, and sustained by the House. He had, with forty-five other gentlemen, voted against the decision of the Chair on that occasion, and he had made this question at this time, again, for the purpose of having an opportunity of vindicating his opinion in argument, and of showing that his course and opinions on that occasion were in conformity to his duty, and not factious or anarchical, as had been alleged. As to the particular question of which he had availed himself in order to raise the point upon the decision of the Chair, he had no difficulty in voting upon it. But no other means were left to him of bringing to the deliberate review of the House the decision made the other day, and which he (Mr. P.) considered as a subversion of the rules of the House, by violating the plain letter and spirit of one of their most important provisions. He wished to vindicate the cause of truth and reason, by resisting a decision which bade defiance to both, disappointing the purposes for which the rules were made, and was a virtual repeal of those rules. He made it now, also, because it afforded him the only means in the only place in which, consistently with his character and self-respect, he could vindicate himself, his course, and motives, from the most recklessly false and slanderous imputations made upon them in the paper of the official printers of this body, who were supplied with the means of pouring out their daily torrent of calumny and abuse by means of the public treasure paid to them by this House as public printers.

When several honorable members of this House, some days ago, had asked to be excused from voting, and others declined voting, another member, [Mr. Whittlesey, of Ohio,] in the exercise of his unquestionable rights as a member of this House, had moved an appeal from the decision of the Chair similar to that now appealed from. We were compelled to express our opinions on that question, whether we would or not; we had no option but to say, upon our honor as gentlemen, and our conscientious convictions as Representatives, whether the rule of the House was as the Speaker said it was. And those of us who were of opinion that the Speaker had mistaken the meaning of the rule, who knew that it was directly in the teeth of the only precedent that we know of, for thus deciding upon this mere question of order, are now denounced by the official organs of this body as "the factious spirits of the House," engaged in "a joint plot to unsettle the Government and disturb the Union;" as those "who, for partisan objects, would revolutionize the principles of order in Congress and in the Government; who would throw every thing into anarchy," &c. These are the developments, stupendous and tremendous, which are derived from the fact that forty-five or six gentlemen happened to differ from the Speaker on a mere question about the construction of the rules. And, besides all this, I suppose we are now to understand, so far as the authority of three self-constituted high priests of republicanism and democracy (the editors of the Globe) can accomplish it, that it is henceforth to be considered as one of the established canons of political orthodoxy, that no man who claims to be, or wishes to be considered a republican, must dare to vote against any decision of a party Speaker, be it right or wrong, wise or unwise, consistent with reason and authority, or in the face of both; and this, too, when by another rule, made by the Speaker, and sustained by the House, every man's mouth is gagged, and he is not allowed to justify his vote by argument. I say all this is to be inferred, because, in the same article of this official organ of the House, it is said that there is but one "stanch republican vote" among the factious forty-six; and it is more than insinuated that he, too, must forfeit his place in the good opinion of the said high priests, unless he will accept the apology they have good-naturedly tendered to him, viz: "that he got there under some misconception of the question."

Whether that honorable gentleman will avail himself of this apology, and feel flattered by the left-handed compliment he has received, I know not. For myself, I have no hesitation in saying that I feel much more honored by the abuse and denunciation I have received, than I should be by such a compliment from any quarter, and especially from such a source as this proceeds from.

I have furthermore been induced, Mr. Speaker, to raise this question of order, because I know the fact that some honorable gentlemen, whose republicanism and democracy will stand the test of the latest and most approved standard, which will not even be questioned by the great Globe itself, for they have all the attributes of a democrat, and especially that one thing needful, (being in favor of a particular gentleman for the presidency,) which will, in the opinion of certain editors, in the twinkling of an eye, quick as the touch of the wand of a magician, convert the most discordant political elements into one homogeneous mass of democracy. I say I know that there are such honorable gentlemen on this floor, who voted to sustain the Speaker's decision, who, after a little reflection, became satisfied that they had fallen into an error, and that the Speaker's decision was wrong, and ought to be reversed. I trust and believe that, upon this question being deliberately considered and discussed, many others will be found who will be convinced of their error, and have firmness and independence enough to avow it.

Mr. **Patton** said he was not in the habit of making a parade of professions of democracy or republicanism; ready at all proper times and places to give a frank disclosure of his opinions and principles as to men and measures to those who have a right to know them, he left it to them to call him "democrat," "republican," or whatever else they please. I disclaim and disavow (said Mr. P.) any inference from my opinions in regard to the comparative merits and claims of the different candidates for the presidency, whatever they may be, (and I certainly do not mean to make any avowal of them here and now,) upon any votes I give here upon any question whatever. I have decided, and shall continue to do so, every question which I may be called on to decide, upon its own merits, without regard to its effect upon the prospects and success of any aspirant or any party; and when the time comes that I can be induced to vote here upon questions of constitutional law or practical policy in the administration of the affairs of the Government, or upon the interpretation of the rules established for the government of the House, not in conformity with the convictions of my own judgment and reason, but according to the behests and dictation of party leaders and editors, and for the accomplishment of mere party objects, I should feel that I was sunk into the depths of political prostitution, and the high-minded and intelligent people I represent would feel that I was unworthy to represent them. Just as certainly as (I am proud to say) if they desired a representative such as I have described, they know me well enough to know that I am not their man; I do not believe they ever will wish themselves so represented.

When this question of order was pending a few days ago, by another construction of the rules of the House, made by the Speaker, and sustained by the House, that no debate could be permitted upon a question of order arising incidentally after the previous question had been sustained, the mouth of every man who dissented was closed, and no one allowed to argue against the decision. Sir, this is another invention of the present session; an entire novelty in the practice and order of the House. You know as well as I do, Mr. Speaker, that, on many occasions since you and I have been members of this House, questions of order have been debated, during the administration of both your predecessors, after the previous question had been called on the main question; and it never entered into the imagination of any man to conceive that we could not debate a question of order under the operation of a rule which merely forbids debate upon the main question. I know, sir, that a late Speaker of this House (Mr. Stevenson) considers this decision as an innovation upon the rules and constant practice of the House. At the very last session of Congress, upon an appeal taken by myself from the decision of Mr. Speaker **Bell**, it was decided upon yeas and nays that it was in order to move a call of the House after the previous question had been demanded. That appeal was debated for hours. You, Mr. Speaker, I believe, as well as myself, took part in that debate. Mr. **Bell** made that decision, contrary to his own opinion, in compliance with a decision made by Mr. Stevenson at a previous session, when Mr. Stevenson's decision was sustained by a majority of two upon a sort of vote which I always blush to see upon such a question as this—I mean a strictly party vote, with the exception of some seven or eight of those who were called administration men. I was one of that seven or eight, and, on my appeal, as I have before said, the decision was reversed. Mr. Stevenson confined his denial of the right to move a call of the House to the particular stage of a demand of the previous question before it was ascertained whether it was seconded. He expressly admitted it was in order after the motion was seconded, and after it was ordered that the main question should be now put; and, until this session, no man ever questioned that the pendency of the previous question did not preclude debate upon any incidental question of order.

The question decided by Mr. Stevenson was made during the panic session, as it has been called, when parties were divided and classified according to their opinions upon the questions connected with the removal of the deposites. I voted against his decision, because I thought it was wrong; and the fact that almost the entire body of the friends of the administration voted the other way was a matter of mere indifference to me. In so far as I sustained the administration in that struggle, I sustained it because in doing so I was sustaining, as I then thought and now think, the true principles of the constitution and the just authority of the laws; and whenever any measure or measures of this or any other administration shall be, according to my judgment, constitutional and expedient, they will have my support. So far I have sustained this, and will sustain any other administration; and beyond this I have not and will not support any.

Mr. P. further said that he did not flatter himself that he should succeed in persuading the House to reverse its decision. He knew well the effect of the pride of consistency on the minds of gentlemen who have already voted once on the question. In addition to this, he was aware that many gentlemen, especially new members, who were not familiar with the operations of our rules, strongly inclined, as a matter of course, to sustain the decision of the presiding officer, especially when there are any even plausible arguments in support of the decision. He did not complain of this. It was natural; it was right; he felt and acted upon it himself in many cases. He believed that the Speaker knew well that he (Mr. P.) had never desired to embarrass him in the discharge of his arduous and difficult duties; but, on the contrary, that he had on many occasions given him proof of his anxiety to support and sustain him, whenever he could do so. It always gave him much more pleasure to be able to agree with the Speaker than to differ. There were no considerations, personal or political, that prevented him from doing so.

In addition to other things which prevent me from expecting to reverse the decision of the House now, I apprehend much the effect of the terror of party denunciation. There may be, too, some who think that it is right and justifiable to act upon party grounds on such questions as this. Of course, they, from convictions of party obligation and allegiance, will be wholly inaccessible to the convictions of reason and argument. Besides, sir, I am bound to believe, and do believe, that gentlemen may, from as honest and deliberate a conviction that it is right, as I claim mine to be that it is wrong, adhere to their vote in support of the Speaker's decision.

I will now proceed to show that the decision is erroneous. The question arises under the 28th rule, in these words:

"Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him.

The House is to decide whether the member shall be excused from voting. When shall it so decide? When the question is put, and the member is called on to vote; or when the qestion is not put, and he is not called on to vote? When, if not excused, his vote may be counted so as to affect the result; or after the question is decided, and, according to established rule, the member cannot vote if he would? Shall it be decided when the question is depending; or when the matter is ended, and there is nothing to be voted on to which the decision upon his application to be excused can apply? Sir, these are only different modes of stating the questions arising upon this appeal; and to state the questions is to indicate the only answers that can be given, and they carry with them the plain refutation of the Speaker's decision, by showing the absurdities to which it leads.

If the question whether the member shall vote is not decided until the result is announced, it is then useless to decide it at all, because the judgment of the House has been entered, the decision of the question is made and recorded, the bill or resolution is passed; and what difference does it then make whether he is excused or not?

Some three or four gentlemen the other day declined voting, and some asked to be excused. Suppose the vote upon the passage of the resolution had been a close one, and that the votes of these gentlemen would decide the question either way, according to the decision of the Speaker, it must be decided that the resolution is passed or is rejected; and then we are to decide whether the House will agree that they shall be excused from voting. Why, sir, according to your decision, they have been permitted not to vote; they have been excused, or rather prevented, from voting, not by the judgment of the House that they shall be excused, but by preventing the House from passing upon the question.

The rule requires every man to vote. There can be no decision of the House until every man bound to vote does vote, or until he peremptorily refuses. A decision of any question, without the vote of every member who is required to vote, is not the decision of the House; and who is bound to vote can only be determined after the House has passed upon the question of excusing every one who asks to be excused.

Suppose that so many members ask to be excused as that those who do vote are less than a quorum—and this is by no means an extreme case, for many questions have been taken this session, when the refusal of very few members would have left less than a quorum. What would you do, then, Mr. Speaker, under your decision? You have a quorum present; you must go on with business; and yet, upon your decision, you could do no business.

In short, sir, the effect of the decision of the Chair is, that no man shall vote who asks to be excused; while the rule is express that every man shall vote unless excused by the House.

But we are met with a precedent. I am not one of those, Mr. Speaker, who allow themselves to be governed by precedent against their own clear convictions of right and reason. I was one of those who stood by this administration in the violent struggle through which we have just passed with the Bank of the United States, which I believe to be unconstitutional, although there were precedents in its favor at various stages of the Government, and by all parties. However, some gentlemen may respect a precedent more than I do, and I will therefore examine this famous precedent, and the manner in which it has been used. After having from one day to another to examine the question, the Speaker, who seems to have some absolution from the rules which are applied to the members on this floor, comes into the House and decides the question, and proceeds to make a speech, in the course of which he refers to this precedent, describes it as a direct authority in favor of the decision he was about to pronounce, and that the course he should take was in conformity to the proceedings of the House in the case of Mr. Adams, in 1832. We, sir, who knew that this precedent was against the Speaker's decision, were gagged. That rule against debating a question of order pending the previous question, which I have before referred to, was rigidly enforced; and the reading even of the journal containing the precedent was not allowed. I dare say some gentlemen voted in favor of the decision of the Chair in consequence of this alleged precedent; and I desire the attention of every man who is really disposed dispassionately to decide this question, and feels himself open to conviction, while I examine this precedent.

It is amazing how any one who had seen and read this journal could come into this House and refer to this case as an authority in favor of the decision of the Chair. He must have seen and known, if he read the journal, that the precedent, or example rather, of the House in 1832, in the case of Mr. Adams, was precisely and exactly a precedent or example against the decision of the Chair. No man shall hereafter pretend the contrary, without being convicted of deliberate misrepresentation.

I read from the journal:

"The previous question having been sustained,

"The main question was then stated from the Chair, viz: Will the House agree to the resolution moved by Mr. Bates, of Maine?

"Whereupon, the Clerk having commenced calling the roll in the order prescribed by the rules of the House, called the name of John Q. Adams; thereupon,

"Mr. Adams asked to be excused from voting on the said resolution, for the reasons assigned in a paper handed to the Clerk, which was read, in the following words: "I ask to be excused from voting on the resolution, believing it to be unconstitutional," &c. &c. [I omit the rest of the reasons.]

"And on the question, Shall Mr. Adams be excused from voting on the question?

"It was decided in the negative.

"The question was then pronounced from the Chair, and the Clerk was again ordered to call the roll; and having called the name of John Q. Adams, Mr. Adams said "I decline to answer."

"A motion was made by Mr. Davenport, that the House do reconsider the vote on the application of Mr. Adams to be excused from voting.

"And on the question, Will the House reconsider the said vote?

"It was decided in the negative: Yeas 59, nays 74. [Here follow the yeas and nays, but it is not necessary, of course, to read them.]

"The putting of the said main question was then resumed, and, by direction of the Speaker, the Clerk again called the name of John Q. Adams, and no response being made by Mr. Adams, who was in his seat in the House,

"Mr. Drayton moved the following resolutions, viz:

"*Resolved*, That John Quincy Adams, a member from Massachusetts, in refusing to vote when his name was called by the Clerk, after the House had rejected his application to be excused from voting for reasons assigned by him, has committed a breach of one of the rules of the House.

"*Resolved*, That a committee be appointed for the purpose of inquiring and reporting to this House the course which it ought to adopt in a case so novel and important.

"The said resolutions were read; and, after debate thereupon,

"A motion was made by Mr. Wayne, that the further consideration of the said resolutions be postponed until to-morrow; which motion was agreed to.

"And the Clerk proceeded in the call of the roll, on the question to agree to the resolution submitted by Mr. Bates, of Maine."

All this, it is seen, took place after "the Clerk had commenced calling the roll," and before any other name than that of Mr. ADAMS was called. And this is the precedent solemnly quoted by the Chair as in point for his decision that the main question must be decided before the question upon excusing a member shall be submitted to the House.

The resolutions offered by Colonel Drayton having been postponed, I have not examined what became of them, as it does not affect at all the question I am debating, or the question on which I voted the other day, or that now to be decided. Let us proceed with the journal.

"During the call, Mr. Daniel moved to be excused from voting on the question, but his motion was refused by the House; and, thereupon, his name was called, and he gave his vote.

"The name of Elisha Whittlesey being called, he asked to be excused from voting on the question, because the resolution assumes the existence of facts not proven, nor attempted to be proven. His request was also refused by the House; and his name being called, he gave his vote.

"The call having been finished, there appeared for the resolution 93, against it 44.

"And so the House resolved," &c.

Now, sir, it is clear that the decision of the Speaker, so far from being warranted by the proceedings of the House in the case of Mr. ADAMS, is directly in the teeth of that proceeding. That, instead of Mr. ADAMS's application to be excused from voting being postponed until the main question was decided, or even until the roll was called through, it was voted upon by the House immediately upon his asking to be excused. And the House twice solemnly decided that he should not be excused; and his name was solemnly called three times before the calling of the roll was proceeded in. It further appears that, in the case of two other gentlemen who asked to be excused, the question upon excusing them was taken upon each, respectively, as his name was called, and before proceeding in the call.

When Mr. Adams peremptorily refused to vote, there was obviously great difficulty in the House as to what ought to be done. His vote could not be obtained, and then the only thing that could be done was to decide what punishment the House would inflict. This question was postponed to a subsequent period, as it was not at all necessary or proper to postpone the decision of the main question until the recusant member was punished for contumacy. Every allegation or intimation that I have given any vote, or entertained any wish, to embarrass or delay the decision of the House on the slavery question, by interposing a trial of Mr. WISE, or any body else, for refusing to vote, is absolutely and wilfully false. There were three gentlemen who asked to be excused, and it is probable that they [Mr. GLASCOCK, Mr. PICKENS, and Mr. ROBERTSON] would have been excused; or, if not, would have voted. The House has been prevented, by the decision of the Speaker, from deciding what it was their express duty, under the rule, to decide. The gentleman from Georgia, and the other two named, have been deprived of their right to vote, and exempted from the duty of voting, if the House had deemed their reasons for not voting insufficient; and this decision was defended by the Speaker in his remarks, when it was made, exclusively, according to my recollection, on the authority of the precedent in 1832, to which no man was permitted to reply; and now, when the precedent is examined, it contains the plain proof that, in the case of Mr. ADAMS and those of two other gentlemen, the action of the House is in direct conflict with the Speaker's decision, and sustains precisely and exactly the construction of the rule which I voted for.

There is another curious fact in connexion with this decision of the Chair. Whether, upon further reflection, it was found that the precedent would not answer, and that, having served its turn of producing a vote of the House in favor of the Speaker's decision, it would be too much to enter such a reason upon the journal—whether this is so or not I do not know. But certain it is, that this only reason advanced by the Speaker, and for thinking which insufficient the bandogs and bloodhounds of party are let loose to bark at our heels, and fly at our throats, is abandoned by the Speaker himself, and a new reason entered upon the journal. This new reason, after thought of, is, that if the Speaker's decision is reversed, and a contrary practice prevailed, it would be in the power of a few members to arrest the decision of a question; that, in this case, the result could not be varied by the vote of the gentleman; and that it was the duty of the Chair to announce that result, and leave the application to be excused for the future decision of the House. Now, sir, the precedent of 1832 is equally in conflict with this new reason of the Chair. There, the vote upon excusing members who asked to be excused was taken before the Speaker could possibly know whether the result would be affected by the votes of those asking to be excused, and, in point of fact, the result in that case could not be affected, yet the vote was taken before the decision was made.

This reason of the Speaker seems to be the foundation, and to have given countenance to the denunciation of myself and those who voted with me, as the "factious spirits of the House," whose design was to prevent any decision upon the abolition subject, by raising question after question to be excused from voting, *ad infinitum*—an imputation, I have no doubt, wholly unfounded, and even ludicrously false, in regard to every man who voted against the Speaker's decision. But what sort of a reason is it to be given for construing a rule of the House, even if there were such "factious spirits" in the House? That might be a ground for changing the rule—for abolishing that which existed, and making a a new one—but surely it cannot justify the Speaker or the House in violating the existing rule, or giving a construction to it in direct opposition to its letter and spirit, and to the practice of the House on a former occasion. This argument, if it must be called an argument, proceeds upon the assumption that there are, or may be, members in this House factious enough, or foolish enough, or vile enough, to raise question after question, and to hang one question upon another, for no other purpose than to prevent a decision. If such a temper existed with any number of members, or even any one member, you cannot prevent such a result by your decision. I will prove to you, and in a way which you cannot deny, that, if there be one single member who is wicked and factious enough to pursue such a course, he can prevent you from taking the question, even after the previous question has been ordered; and this, too, only by making motions, which are undoubtedly in order, from day to day until the end of the session. Suppose the previous question ordered: the member gets up and moves that the House adjourn; you must put the question; it is decided against him; he then moves a call of the House, which he has a right to do, as solemnly settled by the House last session; it is decided against him. He then moves to lay the subject on the table, which you have repeatedly admitted this session to be in order; it is decided against him. He then moves again to adjourn, and goes through the same circle of questions *ad infinitum*. You cannot prevent him as long as the rules remain unchanged, and he remains a member. All the motions I have stated are clearly in order; how long they will be allowed to remain so, God only knows. It is as easy to repeal them by a decision of the Chair as it has been to repeal the right to debate questions of order, or the rule which requires every member to vote unless excused. None of our rules are framed upon the presumption of there being members disposed so grossly to abuse their privileges. And the possibility of such abuse, or the actual fact of abuse, can never justify you in depriving a member of rights secured to him by the existing rules, though you may change the rule or punish the member for shamefully annoying the House under a perverted use of his privileges. Sir, this notion about a few members being able to prevent a decision being a reason in support of the Speaker's decision, is a mere pretext, having no force in sound reasoning, and no foundation in fact, in regard to the particular case to which it was applied. If such a disposition had existed, it could have been gratified in several ways, within the rules of order. That no such means were resorted to, of itself falsifies the gross and wanton imputation made upon those who voted against the Speaker's decision.

I regret that I have felt myself compelled, in vindication of myself from the denunciation to which I have been exposed, to renew this question. I could in no other way sustain my opinions in argument. The making of this motion may be made the ground of new imputations of a factious spirit. They may be made with full as much truth as those already indulged in. This motion, too, will afford an opportunity to those who were misled in the former vote, and are now satisfied of their error, to do homage to truth and reason, and manifest their firmness and independence, and their scorn of party denunciation and partisan dictation.

I have another word to say. Those of us who voted against the decision of the Chair have been charged with doing so for the purpose of keeping open and preventing the settlement of the abolition subject. The falsehood of this imputation is notorious to every man in this House, so far as I am concerned. I have differed with the majority of this House as to the best means of disposing of the questions that have arisen. I believe that the course which has been pursued is a substantial surrender of the rights and security from attack of the Southern country on that subject. The outworks of our defences have been given up to the abolitionists, and the door is left open through which, one day or other, the citadel itself will, I fear, be dangerously assailed. But the majority thought otherwise. I make no imputation upon their motives; time will show whose course was most wise. And as to the particular imputation, that I wished, by voting against the decision of the Chair, to reopen the question, to keep up excitement, it is shown to be wantonly and shamefully gratuitous by the fact that, on the very day when that question was taken, I made two distinct motions for the express purpose of disposing of the subject, and ending it finally on that day. First, I moved to suspend the rules to go on with it when the orders of the day were called; and afterwards, when a gentleman from New York had made a motion which would only have postponed the questions as to these gentlemen who had declined voting for a few days, I asked him to yield me the floor for the purpose of moving a postponement until the 1st day of August—in other words, an indefinite postponement.

Thus it is that the motives and conduct of members on this floor may be misrepresented and perverted by those who are under no restraint from either truth or decency.*

The **SPEAKER** stated the grounds of his decision to the House, substantially to the following effect:

In giving his decision on a former day, when the same question of construction of the rules, now raised, was first brought to the notice of the House, he had stated a case which might arise, as an illustration of what would be the practical operation of the rules, under a contrary decision from that which he had given. The case supposed, for the purpose of illustration merely, was not applied to any members of the House, as seemed to have been inferred; and it was due no less to the House than to himself that he should seize the opportunity to disclaim (and he took great pleasure in doing so) any intention of having imputed improper motives to any honorable members of that honorable body. He did not say on that occasion, nor did he mean to be understood as saying, that any members of that honorable House were factious, or would be influenced by any other than proper motives, and their own sense of public duty. He was endeavoring to show simply that, under a decision contrary to that which he had made, the effect might be (he did not say it would be) to suspend, if not to put a stop to, the transaction of the public business. He had also, in giving that decision, referred to the case which had occurred in 1832, as he now referred to it, for the single purpose of showing that, in that case, the vote of the House was declared, and the decision made upon the question pending before it, without the vote of the member who did not vote, and who asked to be excused.

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* On the question, "Shall the decision of the Chair stand as the judgment of the House?" those who voted in the affirmative are—

Messrs. Anthony, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Briggs, Brown, Buchanan, Burns, W. B. Calhoun, Carr, Casey, Chaney, N. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fry, P. C. Fuller, William K. Fuller, Galbraith, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Haynes, Hiester; Howard, Hubley, Huntington, Huntsman, W. Jackson, J. Jackson, Jarvis, J. Johnson, C. Johnson, B. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Laporte, J. Lee, Leonard, Logan, Loyall, Lucas, A. Mann, J. Mann, Martin, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, D. J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, W. B. Shepard, Shinn, Sickles, Spangler, Speight, Taylor, Thomas, J. Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—108.

Those who voted in the negative are—

Messrs. Adams, H. Allen, Ashley, Beale, Bell, Bond, Borden, G. Chambers, J. F. H. Claiborne, Clark, Corwin, Darlington, Denny, Everett, Forester, J. Garland, Granger, Graves, Griffin, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Janes, Jenifer, J. W. Jones, Lawler, Lawrence, L. Lea, Lewis, Lyon, S. Mason, Maury, McKay, McKennan, Mercer, Milligan, Morris, Patton, J. A. Pearce, Phillips, Reed, Rencher, Robertson, Russell, A. H. Shepperd, Slade, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, E. Whittlesey, L. Williams, S. Williams, Wise—61.

[Mr. Adams here asked, if the Speaker was going on to argue that precedent, if he could be permitted to answer?]

The Speaker proceeded to examine the precedent, and to state the proceedings in the case, as they appeared on the journal, to show that the House, without the vote of the member who had asked to be excused, (and though his request to be excused from voting had been refused,) did, notwithstanding, proceed to call the roll through, and pronounce the decision. In that case, the decision of the House was declared upon a very important question—a question of no less importance than a resolution declaring that one of the members of the House "merited the decided censure of the House;" and yet, if the true construction of the rule be that every member who is present when a vote is taken, must either vote or be excused from voting, before a decision can be had, no decision could have been pronounced in that case. It appeared, further, from the journal, that, after the votes of the members who had given their votes had been declared, and the decision of the House been made on the question before it, on the next day the case of the member who had not voted was the subject of consideration, and resolutions which had been introduced upon the subject were, by a vote of the House, laid on the table, and there the matter ended. He had cited this case (the only one of the kind, he believed, which had ever occurred) for the single purpose of showing that, in the opinion of the House of Representatives of that Congress, it was not necessary for every member present to "give his vote, unless the House, for special reasons, shall excuse him," in order to enable the House to decide the question before it, upon the votes of the majority of the House who did give their votes. It was to establish this point alone that he had referred to this case. The rule is silent as to the time at which the member shall be excused; if he "shall be in the House when the question is put," he "shall give his vote, unless the House, for special reasons, shall excuse him." But the time at which his case shall be considered is left in the discretion of the House. It is competent for the House, if he has committed a violation of the rules of the House, to pass his name, and consider his case subsequently.

The case he had stated on a former occasion, and now repeated, (for the purpose of illustration,) as one that might arise, was this: Suppose the House to be dividing, and the vote taking on the bill, or other propositions before it, and pending the call of the yeas and nays, and before the vote is announced, a member refuses to vote, or declines voting, and asks to be excused; must the House, in such case, suspend the calling of the yeas and nays, stop in the middle of the roll, when half the members have voted, and half have not, and arrest the decision on the question before it, until it can decide on the case of the member who has not voted? Or if the roll be permitted to be called through, must the decision, as ascertained by the votes given, be suspended, until the House can decide on the case of the member who has not voted? If this be the true construction of the rule, it may be that no decision could ever be had on the main question; for on the question to excuse a member from voting, or to take order in his case, if he refuse to vote, debate may arise, and, after discussion, and possibly great delay, the House may proceed to vote by yeas and nays on the question of excusing him from voting, or to coerce him to vote; and whilst the House are dividing, and pending the call of the yeas and nays on this question, and before the result of the vote is announced, a second member may refuse to vote on that question, or decline voting, or ask to be excused. And so, if this construction of the rule be correct, the proceedings of the House must be again suspended, and the decision arrested upon the case of the first member who refused or declined to vote, until the question can be settled in the case of the second member who did not vote on the question of excusing the first; and so upon the question of excusing the second member from voting, a third member may not vote, and ask to be excused, and the proceedings of the House must be again suspended, and the decision on the case of the second member who has not voted be arrested until a question be taken in relation to the third member who has not voted; and thus, upon each successive case of members who may not choose to vote when their names are called, the same thing may occur, and there may be no possibility of ever deciding any question, however important, so long as any one member may decline or refuse to vote, and the business of the House may be thus utterly obstructed and stopped, and this, too, though the votes of the members who may not have voted could not, if given, change the result; as, for example, in the first case in which this question arose on a former day, where the votes given by the members who did vote stood ayes 182, noes 9; and as in the present case, where the votes given on the question now before the House, as ascertained by the Clerk, and communicated to the Speaker, though not formally announced to the House, show that the vote of the member who has not voted, and asks to be excused, cannot, if given, change the result. (The state of the vote, as subsequently announced to the House, was ayes 123, noes 54.) The same difficulty would arise if, in the midst of a division of the House, (by yeas and nays, or otherwise,) the proceedings were arrested, to enable the House to pass a vote of censure, or otherwise punish a member, instead of stopping to take the vote on excusing him. If any one member present declined to vote, and asked to be excused, on the question to censure, or otherwise punish, no decision could be had until the case of him who had declined to vote on the question was settled, and his case, again, could never be settled so long as any one member declined to vote on the question of excusing him. And so, if this be the true construction of the rule, no decision could ever be made on any question, so long as any two members shall alternately decline to vote on each successive question of excusing or coercing each other to vote.

This was the case he had stated by way of illustration, when this question had first arisen. He had stated it for the purpose of showing what would be the practical effect of a decision contrary to that which he had given. He had given it simply as an illustration, and without any intention of imputing improper motives to any member of the House.

And he respectfully submitted whether a construction which may lead to such a result can be the proper construction of that rule of the House which declares that every member present shall vote, unless, for sufficient reasons, he shall be excused by the House? The rules of the House were intended to promote and to facilitate, and not to defeat, the transaction of public business; and, in his opinion, such a construction was to be given to them as would attain the end for which they were framed. It was a common occurrence, in taking the vote by yeas and nays, or by dividing the House, for members to remain silent in their seats, and not give their votes; and yet it had been the immemorial usage, and was now the daily practice, to proceed with the vote and pronounce the decision, as ascertained by the count of those who have voted, without making any question in relation to the members who have not voted. The names of those who do not answer are passed silently by. Is the case at all changed by the fact that a member, instead of remaining silent in his seat, and suffering his name to be passed, rises in his place, and informs the House that he is present and has not voted? The member who remains silent, and suffers his name to be passed, has violated the rule as much as he who rises and informs the House that he is present, and has not voted. In the former case, the daily practice is to proceed with the vote and declare the decision; the House takes no cognizance of the case. He may have doubts on the question, and not be prepared to vote, or he may have sufficient reasons, and may not choose to trouble the House with them; and yet he as much violates the rule as the member who informs the House he has not voted.

These rules, which are the laws of the House, are to be construed as a whole, and so as to give effect to each one of them. One of the rules of the House, for example, provides that "a motion to adjourn shall be always in order;" and yet none will maintain that, whilst the House is in the act of dividing, and a question is taken by yeas and nays, it would be in order for a member, when his name is called for his vote, ay or no, to rise in his place, and interrupt or arrest the further vote of the House, by moving that the House adjourn. None will maintain that the motion to adjourn at this stage, though declared by the rule, in absolute and unqualified terms, to "be always in order," could be entertained until after the vote of the House on the question on which they are in the act of voting is completed, and the decision pronounced. So another rule of the House dec'ares that "it shall be in order for the Committee on Enrolled Bills to report at any time;" and yet none will maintain that it would be in order for a member of that committee to rise in the midst of a vote by yeas and nays, and arrest the vote of the House by making a report, which report, if made at that time, must stop the vote of the House until it was disposed of. And so the rule under consideration could not have contemplated that a vote of the House on a division, by yeas and nays, could be arrested until the House could take cognizance of the case of a member refusing to vote, or asking to be excused from voting. The rule provides that he shall give his vote, if he be not excused, but it is silent as to the time when his excuse shall be considered. He was clear that such a question could not be interposed pending a division of the House. From the reason as well as the necessity of the case, he had decided on a former occasion, and now decided, that the vote of the House, on a division by yeas and nays, could not be interrupted or arrested by interposing any other question; but that the vote, when commenced, must proceed, and the decision be had; leaving it at the discretion of the House to settle or take order upon any other question which may incidentally arise, at such time as may suit its pleasure or convenience. The decision he had made on a former occasion, and now made, was conformable to these views, and for the convenience of the House, and was, in his judgment, the only practical construction which could be given to the rules, to enable the House, without great embarrassment and delay, to despatch the public business.

He had felt an anxious solicitude to decide the question properly; and at the same time, if possible, to meet the views of the House, and aid himself in forming a correct judgment, he had, before he had given the decision on the question, when it first arose, taken the opinion of several members of the House, of different political parties, all of whom had concurred with him in opinion that the decision which he subsequently gave was the only practical construction which could be given to these rules that would enable the House to accomplish the objects for which they were framed. The House had, when the question was first raised, sustained the decision; but if, on reconsideration, or more full examination, it should now come to a different conclusion, he would take great pleasure in conforming to their will.

He felt sensibly the weight of responsibility which devolved on the presiding officer of the House. Difficulties, growing out of the complexity as well as the vague and uncertain terms in which many of the rules adopted for the government of the House are couched, were constantly arising. New and delicate as well as difficult and very important questions of order were often raised, upon which it was his duty to decide. His opinions were, however, subject to the revision and correction of the House; and if the House differed from him in opinion upon this or any other occasion, they will so declare, and he would most cheerfully yield to their decision, and promptly execute their will.

In the present case he was of opinion that the decision he had made on a former occasion, and now made, was correct, and for the convenience of the House, and he unhesitatingly adhered to it; but if the House thought otherwise, they would sustain the appeal, and he should as unhesitatingly execute their will.

Mr. **CALHOUN**, of Massachusetts, said he voted the other day to sustain the decision of the Speaker, because he saw no better way to expedite the business of the House; but he wished to state some difficulties in the manner of doing the business of the House which arose from the frequent use of the previous question. The previous question is called, and, upon a decision of the Chair involving a point of order, a gentleman rises to debate; the previous question is construed as applying to the point of order, and the House is compelled to settle the question in a moment, without the slightest consideration or debate. He would appeal to gentlemen if it was possible for them to decide understandingly. How could they bring their minds to a decision? How could they reason to a conclusion? He would ask if they were willing that the decisions they made should stand as precedents on the journal, to be appealed to at succeeding sessions, and forever, as the deliberate decisions of the House? He knew the decision had been made; but was it on good reasons, deliberately examined? He contended that the previous question did not cut off debate upon a question of order, but that the rule applied only to the main question; and he read the rule in the Manual, which says that incidental questions may arise for which no rules can be provided, such as questions of order, which must be decided as they arise. The only question is, how shall they be decided? Shall a conclusion be jumped at, without argument or consideration?

Mr. C. then read the rule which says that, on appeals upon questions of order, "no member shall speak more than once, unless by leave of the House." This (said Mr. C.) is equivalent to a direct declaration that a member may speak once, and that each member is so entitled to speak. This is another rule which must be transgressed, if the House maintains the decision of the

Chair upon the point referred to; and he would say, if the House adhered to this rule, then, on an appeal upon a question of order, be it when it may, or what it may, debate must be permitted. The only questions of order not always debatable were such as arose upon questions of decorum, and Mr. C. read a part of the 21st rule: "If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate." Here the distinction was in regard to decorum and debate. The rule came under that head, and related only to the order and courtesies of decorum and debate, as regulated by the rules of the House. Upon all other questions of order, every one may debate; and he would ask if freedom of thought and of speech was to be cut off upon important decisions of the Speaker, merely because the previous question was depending? There was no more perfect tyranny than would exist under such a construction of the rules. It was tyranny of the worst kind, if he could be compelled to vote without an opportunity to think, and thus to form an opinion. He did vote to sustain the Speaker's decision in the instance last week, which was similar to the present, because he saw no more convenient mode of settling the matter before the House. It is not usual for members to ask to be excused from voting, especially without being excused at once. The only precedent to the contrary was the distinguished one of the gentleman from Massachusetts, [Mr. Adams.]

By the rule, every man is compelled to vote one way or the other, unless for special reasons he is excused; but he is not compelled to violate his conscience. No man can suppose that a member should be forced to vote when, according to his convictions, he ought not to vote either way; and if he says he cannot conscientiously vote, then is he to be excused. Such a course, thus open and manly, is entitled to peculiar favor, when contrasted with one which is not unfrequent—the retiring outside the bar of the House, or sitting in one's seat without answering at all. In the former case, the mere asking to be excused constitutes, in my apprehension, the special reason contemplated in the rule. No gentleman surely would rise in his place and decline voting, in the presence of the House and of the country, unless the reasons operating upon his mind were of the most imposing and controlling character. If, however, a member declares that he will not vote; if he throws defiance at the House, he is to be met with its rules, and dealt with as the House may deem proper.

Mr. C. then alluded to the obnoxious attacks upon members of the House, made in the Government paper by the official printer of the House, and which had been commented upon by the member from Virginia [Mr. Patton] with so much spirit and intelligence. He said this was not the first instance in which members had been arraigned for acting according to their convictions of duty. A number of gentlemen the other day were arraigned, because they dissented from a decision of the Speaker, as factious, as opposed to the rules of the House, and opposed to order here and every where. His name was not among them, but he looked with shuddering upon that attack upon the character of the members, and upon the freedom of action in the House. He alluded to this attack, because it appeared in the organ of the executive Government; and this was what gave it importance. He would ask, if it was to be allowed that members of the House, for performing conscientiously and independently their duty here, were to be hung up by an officer of the House, paid by its treasurer, as factious disorganizers, and that the charge was to be conveyed all over the country, and to all other countries with which we have intercourse? The members were required by every sense of duty to act upon their own judgment, however much they might differ in opinion with the Speaker; and the publisher of this atrocious assault upon the members ought to be reprimanded. He is an officer of the House, and should come under its control in such respects as this. He spoke as a citizen of the country, not as a member of a party; upon such a subject he belonged to no party; he spoke for the dignity, and character, and purity of the House, and he would not allow such an outrage to pass over in silence. When the time shall have arrived when the members of the House are to be denounced by their official organ, for thinking freely, and acting according to their judgment, let them know it. If the time has not arrived, let them reprimand the offender who has perpetrated the outrage. He would say again that he spoke as an independent man, free from party prejudices; and he called upon the House to stop this annoyance, which would continue and increase unless the House applied the proper remedy.

Mr. LANE said as the gentleman from Virginia [Mr. Patton] had no difficulty in voting on the question to suspend the rules, and as he merely desired to bring up the same question which was decided the other day, it could not be productive of any good to continue the discussion upon the appeal; he therefore moved that it be laid on the table.

Mr. ADAMS appealed to the gentleman to withdraw his motion, as, from reasons personal to himself, he desired to make a few remarks upon the appeal.

Mr. LANE declined withdrawing his motion.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and the Clerk proceeded to call the roll.

Mr. JENIFER, of Maryland, having declined to vote on the motion to lay Mr. Patton's appeal from the decision of the Speaker on the table, he moved to be excused, and the Speaker decided that his motion to be excused should be postponed until after he announced the vote of the House on the appeal of Mr. Patton; and that the vote of the House on a question could be declared before the members declining or refusing to vote were either excused from voting, or the penalty for refusing or declining to vote was enforced by the House. From this decision

Mr. WISE appealed, and proceeded to remark that he, with others, had been denounced by the official paper as a factious spirit, and had been denominated an "anarch," for refusing, on a former occasion, to vote on the resolutions reported by the gentleman from South Carolina, [Mr. Pinckney,] and for voting against the decision of the Speaker then made, to postpone the excuses of members refusing or declining to vote until after the vote of the House was declared by the Chair. He said he felt bound to vindicate himself and his friends from the charge of a factious spirit extending to anarchy. He had been denounced as an "anarch" in an opprobrious sense; but in the literal meaning of the word, applied properly to the occasion of his vote, he claimed the honor of having been an "anarch," and gloried in pleading guilty to the charge. What is the meaning of "anarch?" It must mean, literally, one who denied the power of the Government, in the case referred to: one who said and voted that the General Government was "without power to affirm or deny any proposition in relation to slavery in the States, and one who denied the power of Congress to govern slave property any where." In that sense, he was an "anarch," and in no factious spirit he refused to vote on the resolutions of the select committee on slavery. He respectfully sent his reasons to the Speaker, at the time he refused, in writing. He thought that if one Congress might deny its power over slavery in the States, a subsequent Congress, not bound by the acts of this House, might affirm the power which we now deny; and he refused, peremptorily and positively refused, to vote on questions which Congress itself had no power to vote upon, either to affirm or to deny. He could not, consistently, do otherwise than positively refuse to vote, and did not ask to be excused, because, in his comprehension, the petition to be excused admitted the right in the House to compel him to vote upon a proposition which the House itself had no power to entertain. He conscientiously entertained these opinions, and, as courteously as his sense of duty to the constitution and his constituents permitted, he expressed them by his refusal to vote, and by his written reasons for so doing.

[Here Mr. **HAMER**, of Ohio, called Mr. **WISE** to order. The Speaker deciding Mr. W. to be in order, he proceeded to say]—

That, in another sense, he was an "anarch." He was against a Government of corruption! This was his high offence; he was opposed to the "powers that be" creating those which are to be, and the perpetuation of a spoils-party Government. He desired, in the revolutionary sense, to be without such a Government as the infamous Globe is now laboring to entail upon the country.

The decision of the Chair was obviously, to his mind, erroneous. The constitution and the 28th rule of the House settled the question. The first declares "that a majority of each [House] shall constitute a quorum to do business," and "each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member." The latter declares, "every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him." He put the question, then, whether the House can be said to have voted until "every member in the House shall have given his vote, or shall have been, for special reasons," excused. If the House has not voted, how can any vote of the House—House in its technical sense, as understood by the constitution—the House composed of "every member in it when the question is put"—be declared? He contended that no decision had yet been made on the resolutions of the slavery committee, because the House had not voted on them, for the reason that every member present had not voted, and many had refused to vote. If a member sat silent, he ordinarily, without a call of yeas and nays, or a count, gave a tacit vote. If a count was called, or the yeas and nays, and he sat silent, if not reported for failing to vote, he was usually considered absent, though in the eye of the Clerk.

But when he refused to vote, and actually announced his presence by refusal, the rule says he shall vote. Vote upon what? A question decided, or a question pending? The Chair says, by its decision, he shall vote upon a question decided. What is the consequence? Suppose a bill passes the House by a majority of one, three members refusing to vote. After a vote of the majority of one is declared and announced as the decision of the House, you compel the three refusing members to vote. They vote against the bill or resolution: the act has passed, then, with a majority of two against it in the House! Ay, but would gentlemen tell him that it is not the vote which was postponed, but the excuse? They could not thus reason, because the rule said it was the vote which shall be given; and if the refusing member cannot vote after the decision declared, you cannot punish him for not voting after decision. When a member refuses to vote, he has three alternatives presented; he may ask to be excused for a special reason; he may offer no excuse, and incur the penalty; or, rather than incur the penalty, if his excuse be not received, or he offers none, he may purge himself of the "disorderly behaviour" by voting. But, according to the Speaker's decision, he must be excused or punished, and he cannot vote when the rule says he shall vote or be excused. He asked what the reason of the decision was? Solely, the reason of inconvenience. In the first place, he said, the inconvenience of the rule proved the existence of the rule; and no "*argumentum ab inconveniente*" could destroy the rule itself. The remedy for inconvenience was to abolish or to modify the rule. But did the reason of inconvenience exist? True, to some extent, whenever a member refused, there would be delay; but the House, or a majority, could at once, by aid of the previous question, soon despatch the question of excuse, or pardon, or punishment; and that was the easiest and most convenient mode of despatching every difficulty or inconvenience in the case. Here was an illustration of the truth of this position. According to the Speaker's decision, the majority is in the power of the minority; which, if it be given to that factious spirit of which it is accused, can delay the decision of the House *ad infinitum* by repeated refusals to vote and repeated appeals from the Speaker's decisions! He said, in fact, that such decisions were well calculated to arouse a spirit of just and indignant resistance in the minds and conduct of those who were oppressed by their tyranny. He had, in the conscientious discharge of his duty, and with the sincerest regard to the highest supremacy of the rules of order, refused to vote, and no power on earth could have forced his tongue to vote away all protection of slaveholding interests. No! He defied the arm of civil power of the Sergeant-at-arms of the House, and all the terrors of the standing army of a military despotism, if it should be attempted, to make his tongue speak traitorously to his constituents; he would, without courting, have suffered and exulted in martyrdom! He had been denounced as a factious spirit, as every man was likely to be, by the minions of power, who had the independence and patriotism to resist their tyranny, expose their abuses, and denounce their prostitution. He was glad that he had at last the companionship of his worthy and truly honorable colleague, [Mr. **PATTON**.] The Globe had classed the forty-six factious spirits into two classes—Harrison men and abolitionists, and White men and nullifiers. It was obvious here were four, instead of two denominations of persons; but the Globe made out denominations to suit its slanders. He would remark there were Harrison men who were not abolitionists, and many abolitionists who were not Harrison or White men; and there were nullifiers who were White men—no nullifiers were abolitionists; and White men who were not nullifiers—and no White men or nullifiers were abolitionists. He should not condescend to notice the Globe, but the majority here seem to make it their mouth-piece; the freedom of debate lies prostrate under the "previous question," and the Globe speaks "by authority" for that high power before which all the dignity and freedom of this House have been, long ago, made to bow low—low in the dust!

Mr. **WILLIAMS**, of Kentucky, spoke in opposition to the decision of the Chair, and condemned the unwarrantable classification of his name in the article in the Globe. He noticed this because the fact of the editors of the Globe being the printers of the House gave that paper an authority it was not otherwise entitled to. On the subject of the presidency, no man living knew his preference; but he indignantly repelled the charge made against him in the Globe of being an anarchist and revolutionist. He should, when the time arrived, vote for whom he pleased, and should not suffer himself to be driven from what he considered right, by the abuse and slang of a newspaper. He had done nothing during the present session in the slightest degree to retard or obstruct the business of the House, nor had he raised a single point of order. On the abolition memorials he had, until the formation of the select committee, in every instance voted to lay them on the table. Nor had he once refused to vote, or dodged any question. On several occasions he had sustained the decisions of the Chair, and should continue to do so, whenever he thought them right. For that gentleman he had voted, and his reasons were conscientious and satisfactory to himself for preferring him as the presiding officer of the House. The editor of the Globe had no right to denounce him as a "factious spirit or anarchist," nor to classify him with "White men and nullifiers."

Mr. **HARD** called for the orders of the day.

The **CHAIR** decided that the question of order took precedence, and must first be settled.

Mr. **SPEIGHT** remarked that it was the misfortune of members of Congress to be visited by the "slang twang" of newspapers, and he would refer them to the columns of the Intelligencer and United States Telegraph, when the editors of those papers were respectively printers to the House, and the party to which Mr. S. belonged were in the minority. Mr. S. then proceeded to show that the decision of the Chair was right, and referred to the circumstance of the precedent cited by the Speaker in support of that position.

Mr. **BELL** spoke in favor of an enforcement of the rules of the House. He cited the rule, that members shall vote unless, for special reasons, they are excused by a vote of the House, and said that this rule ought to be enforced, and that the decision of the Speaker would have to be reversed, because the time might, and probably would, come, when the order of the House would be broken up by a factious minority. He then referred to the power given in the constitution to enable the House to regulate its own proceedings, to punish members, and by a vote of two thirds to expel a member. He said, in the case supposed, where members might embarrass the proceedings, this power should be exercised; and after one or two factious or contumacious persons had been expelled, others would be cautious how they refused to vote, except for good and sufficient reasons.

Mr. **SPANGLER** said: I desire to say a few words in explanation of my opinion on the question before the House. A vote has been ordered to be taken by ayes and noes. The Clerk has proceeded with the call, and a number of gentlemen have answered to their names. The gentleman from Maryland, [Mr. Jenifer,] on his name being called, rose in his place, and moved that he be excused from voting. The Chair entertained the motion, but decided "that before the question can be taken on excusing, the vote of the House on the pending question must be finished, and the decision thereon announced." From this decision the gentleman from Virginia [Mr. Wise] has appealed; and the question is, "shall the decision of the Chair stand as the judgment of the House?" Sir, said Mr. S., I am for sustaining the Chair; I think the decision clearly right. Should we reverse it, and establish the contrary rule, much inconvenience might follow; and indeed it might be found impossible to transact the business of the House. The question is a new one, and is attended with difficulties. Our object should be to settle it in such a manner as to avoid, as far as possible, embarrassment and confusion. The vote of the House by ayes and noes is but one vote, though there are two hundred and forty members; and, upon parliamentary principles, is precisely the same as the vote by acclamation. They are identical. If the rule required that a member should assign his reasons for being excused from voting, when the vote is taken by acclamation, the only time, of course, when he could assign them, would be when the question was propounded by the Speaker; and, therefore, that is the time that he should ask to be excused when the vote is taken by ayes and noes, because, in strict parliamentary construction, the vote by acclamation and the vote by ayes and noes are one and the same, though it is physically impossible to take the latter in the same manner with the former.

It is maintained by those who oppose the decision of the Chair, that if motions of gentlemen to be excused from voting be postponed until after the House has decided the main question before it, and then, should the House refuse to excuse them from voting, they might prefer voting to incurring the penalty of refusing; and thus might vote on a question that had already been decided, and thereby reverse the former decision; and this, say gentlemen, would introduce much confusion. It is further said that the discussion of the excuses offered by gentlemen might occupy several days; and if they were not excused, and thereupon choose to vote, they might change by their votes the decision made on a previous day. Sir, said Mr. S., these are difficulties; and if we can avoid them without running into others equally embarrassing on the other side, we certainly should do so. But, sir, suppose we reverse the Speaker's decision—suppose we establish it as a part of the *lex parliamentaria*, that "after the call of the ayes and noes has commenced, and a part of the members have answered to their names and voted, a gentleman, on his name being called, may answer by moving to be excused from voting, and that that motion must be decided before the vote of the House on the main question is gone through with," what consequences may result from such a proceeding? Let us carry it out for a moment. If one gentleman may claim this as a right, so may others. A vote by ayes and noes is commenced. Part of the members, on their names being called, have answered and voted. The vote of the House is in part taken; and at this stage of the proceeding, a gentleman, on his name being called, moves to be excused from voting, and proceeds to assign his reasons. He goes into an argument on the merits—yes, sir, the merits of the main question before the House, by way of proving that he cannot conscientiously vote on it, either in the affirmative or negative, no jurisdiction; that it involves the exercise of power He may urge that it is a subject over which Congress has not conferred by the constitution; that the subject, though within the constitutional power of Congress, is of a nature so delicate and dangerous, that its agitation will only tend to excite and inflame the public mind. These, and many other topics of discussion, may be introduced by gentlemen as considerations which ought to operate to excuse them from voting.

Well, sir, other gentlemen, differing in opinion from these, will of course answer them, or at least may answer them; and thus, after the vote of the House has been in part taken, a debate on the merits of the main question may arise, extending throughout several days. At last a decision is had on the motion to be excused. The name of the gentleman next on the list is called, and he moves to be excused from voting; and he also assigns his reasons; a debate again ensues, and after one or more days spent in discussing his excuses, a decision is had. The Clerk then calls the name of the next gentleman, and he wishes to excused, and a debate again ensues. Sir, where is it to end? and if this mode of proceeding be established, how long may the House be occupied in taking a vote on the main question? Sir, so far as I can discover, weeks or months might be consumed in calling the ayes and noes on a single proposition.

Again: During this time, what sort of a journal would your proceedings present? On the first day the ayes and noes are called through the A's; on the second, through the B's; on the third day, through the C's; and so on to the end of the alphabet, requiring as many days as there are letters. If such were in fact the proceedings of the House, I ask gentlemen, in all candor, whether they would be willing to have them spread upon the journals?

Again: Suppose the previous question had been ordered, how will its operation be affected by such a proceeding? Every gentleman knows that the previous question is intended to cut off all further debate on the main question; but the principle contended for might render it a nullity, and in effect entirely abrogate it. Suppose the previous question to be ordered by the House. The Clerk is calling the ayes and noes on the main question. A gentleman, on his name being called, moves to be excused from voting. He proceeds to assign his reason; and it is, that the 36th rule of the House, which authorizes the previous question, is unconstitutional, as tending to abridge the liberty of speech. Sir, I am no advocate for the frequent use of the previous question; but I would ask to what length might not such a discussion extend? Again: A gentleman moves that he be excused from voting. After hearing his excuse, and debating it, it is ordered that the vote on excusing be taken by ayes and noes; and on that question, another gentleman, on his name being called, moves to be excused from voting; and after a debate on his motion to be excused, the vote is ordered to be taken by ayes and noes; and, while the Clerk is calling the names, another gentleman asks that he be excused. Sir, where is it to end? when is it to end?

The question arises, how are we to steer clear of these difficulties? How are we to transact the public business without entangling ourselves in the meshes of our own rules? To me the question is free from embarrassment—the path is direct and plain. The 28th rule of the House says: "Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him." When may he ask to be excused? I answer, at any time before the Clerk has commenced calling the ayes and noes, but not after. A gentleman may ask to be excused from voting when it is in order to do so, but at no other time. We ought so to construe and apply our rules that they may harmonize and conduce to the easy and convenient transaction of business. The 34th rule provides that "a motion to adjourn shall always be in order." Yes, sir, "always in order;" but who ever dreamed that it was in order, under this rule, to move an adjournment pending the call of the ayes and noes, or while a gentleman has the floor, unless he expressly yields it for that purpose?

Again: The call of the ayes and noes occupies about half an hour. After the expiration of the morning hour, it is in order, even pending the consideration or discussion of reports from committees and resolutions, to move "that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day, (see rule 17.) Yet if the morning happens to expire, as it frequently does, pending the call of the ayes and noes on questions pertaining to morning hour business, who ever thought of interrupting the vote by interposing a motion "that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day?"

Again: After the previous question is ordered, a motion for a call of the House is in order; so is a motion to lay the main question on the table; so is a motion to adjourn. And each of these motions may be made again and again, one after the other, at any time between the call of the previous question and the commencement of the call of the ayes and noes. But every gentleman knows that, after the call of the ayes and noes is commenced, no motion is in order until after the decision of the main question. Is it, then, consistent with the general scope and spirit of the rules I have cited, that, after the previous question has been ordered, and after the ayes and noes are commenced, and when no one of the privileged motions can be interposed, yet another motion may be made—must be entertained and decided—which may involve in its consideration a protracted debate on the merits of the main question? Yes, sir, which may present as wide a field for discussion as was open to gentlemen the first moment the main subject was taken up in Committee of the Whole on the state of the Union. Sir, I can sanction no construction of rules that leads to such results. I believe that it might lead in its consequences to endless confusion and interruption of the business of the House. To avoid this, I would so construe the 28th rule as to require that gentlemen ask to be excused from voting before the commencement of the call of the ayes and noes. "Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him." When, in the language of the rule, "is the question put?" It is put when the Chair propounds it to the House. Then is the time for gentlemen to ask to be excused, if they do not wish to vote. The calling of the ayes and noes by the Clerk is not putting the question. He puts no question to the House, and he cannot call the names of the members until after the Chair has put the question. My opinion is, that a motion to be excused from voting ought not to be entertained after the call of the ayes and noes has been commenced; and that, if entertained, its consideration and decision should be postponed until after the pending question is decided, and the decision announced to the House; and I shall so vote.

Mr. ADAMS made and enforced the point, that the rule says the member shall give his vote "when the question is put;" and as it is put to each member, when his name is called, then is the time for him to vote or ask to be excused, and give his reasons. Such, he contended, was the rule, and if inconvenience should arise, the rule could be changed; and he then referred to his own case in 1832, the principles of which he explained to be exactly the reverse of that assumed by the Speaker. The House did not then pass over the name, but did vote upon the request to excuse, and refused it; and then resolutions were offered and postponed, declaring that he had committed a breach of the rules, and ordering the appointment of a committee to ascertain what measures the House should take. The course now adopted, he said, was a practical nullification of the rule, and the House really had no rule upon the subject.

Mr. BOON said, if editors of newspapers were the contemptible creatures represented by members of the House, he thought it improper, if not evincing a want of dignity, to reply to their remarks upon that floor. If they were entirely worthless, why did gentlemen condescend to reply to them there? For one, he would not do so. If he were assailed in this way, he would, if he deemed it necessary, redress the grievance elsewhere. After the learned dissertation which they had just heard from the gentleman from Massachusetts, he humbly conceived that they had had glory enough for the public service for one day, in discussing editorial paragraphs and the subject of a member sitting in his seat and refusing or declining to vote; he therefore moved the previous question.

The previous question was seconded by the House: Yeas 75, nays 46; and the main question was ordered to be put without a count.

The main question, "Shall the decision of the Chair stand as the judgment of the House?" was decided in affirmative: Yeas 108, nays 61.

The CHAIR then announced the vote on the motion of Mr. Lane to lay the appeal of Mr. Patton on the table; which was: Yeas 98, nays 91.

The **CHAIR** also announced the vote on the motion of Mr. **CRAIG** to suspend the rules till one o'clock, in order to fix a day for the consideration of the deposite bill, (pending which motion Mr. Patton declined voting, asked to be excused, and appealed from the decision of the Chair,) which was: Yeas 123, nays 54.

The House then adjourned.

Tuesday, May 31.

THE DEPOSITE BILL.

The House proceeded to consider the resolution reported by Mr. Owens, from the Committee of Ways and Means, fixing on a day for considering the deposite bill.

The resolution, having been amended, was to make the said bill, together with the bills then on the Speaker's table, the special orders of the day for the day succeeding the final disposition of the appropriation bills. The question pending was the motion of Mr. Bell to strike out all after the word *Resolved*, and insert, That the deposite bill be made the special order for the 25th May.

Mr. BELL modified his motion by substituting the 13th June for the 25th May.

Mr. MILLER moved to postpone the subject until Monday next. Lost: Yeas 49, nays 80.

Mr. KINNARD moved to amend the amendment by including the bills relative to the Cumberland road; but subsequently withdrew it.

Mr. OWENS suggested that the bill be made the special order for to-morrow week.

Mr. E. WHITTLESEY moved to except Fridays and Saturdays; lost: Ayes 69, noes 74.

Mr. McCOMAS moved to amend the amendment by including in the special order the bills for extending the pension act of 1832, establishing the northern boundary of Ohio, and for the admission of Michigan and Arkansas into the Union.

Mr. WILLIAMS, of North Carolina, moved to postpone the whole subject until Tuesday next, which was agreed to: Ayes 86, noes not counted.

Mr. MILLER, from the Committee on Invalid Pensions, made a report concluding with a resolution setting apart Saturday next, from half past ten o'clock, for the consideration of bills reported, and to be reported previous to that time, by said committee.

Mr. WARDWELL moved to amend the resolution by including the bills reported by the Committee on Revolutionary Pensions.

Mr. JARVIS moved to amend the amendment by including the bills reported by the Naval Committee, for naval pensions: lost.

Mr. E. WHITTLESEY moved to include the bills reported by the Committee on Claims: lost.

Mr. PARKS moved to lay the original resolution and amendment on the table; which was agreed to: Yeas 70, nays 59.

POLISH EXILES.

Mr. BOON, from the Committee on Public Lands, reported a bill to amend an act granting lands to certain exiles from Poland.

The bill having been read twice, and the question being on ordering it to be engrossed for a third reading,

Mr. GRANGER said he did not know that he should object to passing this bill to a third reading; but he could not, at this time, consent to vote upon it. He had known something of the manner in which those lands had been selected. He had listened as attentively as he could to the reading of the bill, and, for aught he could see, after these lands shall have been drawn, it would be in the power of these Polish exiles to sell their shares to whom they pleased; thus opening, if he understood the bill, (though perhaps he did not,) under the form of charity, a pretty extensive field for speculation. A case like this had recently come within his knowledge. An old schoolmate of his presented himself to him the other day, after an absence of twenty years; he told him that he had gone on to the public lands, without authority of law, but as an American citizen, and as much entitled to the consideration of Congress as any Polish exile, however unfortunate his position. Well, on a quarter section of land this individual located himself, without authority, but relying on what had been the law of this country, granting privileges to actual settlers upon the unsurveyed public lands, which law he (Mr. G.) hoped would be re-enacted, but which, as it now stood, was likely to do as much injustice to individuals, as some gentlemen assured us it had wrought injury to the public Treasury. His friend located himself on this quarter section, and expended in mills, and other establishments, some ten thousand dollars; being, as he believed, two thirds of the accumulation of twenty years of industry. A Polish exile came and located this very land, under the law of 1834, and claimed that the Secretary should give him the land, with all its improvements.

Mr. G. repeated that he had not been able, from this cursory reading of the bill, to understand it; and he did not rise to throw any embarrassment in the way of its passage, if it was proper that it should pass. But he would ask the gentleman who had charge of the bill to permit it to lie on the table until he had an opportunity to examine it.

Mr. BOULDIN said he was not like the gentleman from New York, [Mr. Granger,] who had just taken his seat. He (Mr. B.) would vote for this bill in no stage. If it took from the grantees any thing, he would not vote for it. He would not rob a robber, much less a beggar. If it added to their grant the breadth of a hair, he would not vote for it. Why should we grant land to the Poles? Were they meritorious: Our own citizens are equally so. Were they poor: Our own citizens, many of them, were as poor as any body. Do we wish to encourage rebellion in foreign countries? This would hazard our safety—our name as an honest nation—our character as a wise and prudent people. These he would not hazard on any consideration. But here there was nothing to hazard, unless we did it willingly and unnecessarily. We had jewed, screwed, he was sorry to say, almost shuffled with, our old revolutionary soldiers, in relation to their claims, and had given these foreigners their thirty-six sections of land, of six hundred and forty acres each, which he understood had been selected on both sides of a river for many miles up and down, including the improvements of many who had spent their lives, and risked the lives of their families, to obtain from the Indians the very land now given to the Poles. He said he would contrast the conduct of the Government in relation to their own citizens with that of the Government in relation to these foreigners.

Mr. CONNOR rose and said he was sorry to be obliged to interrupt the gentleman from Virginia, but he must call for the orders of the day.

Mr. BOULDIN was quite willing to conclude his remarks, either then, or whenever the bill should again come up in its order.

Mr. JOHNSON, of Kentucky, asked the consent of the House to permit him to report from the Committee on Military Affairs a bill from the Senate providing for the appointment of three additional paymasters of the army. His object was to act on the bill forthwith, inasmuch as the public service was suffering, and he had received a communication from the executive department urging the speedy passage of the bill.

The motion was objected to.

POST OFFICE DEPARTMENT.

In execution of the special order of Friday last, the House resumed the consideration of the "bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

The question pending was on concurring with the Committee of the Whole in their proposition to amend the bill, by inserting the following clause:

"Sec. 38. *And be it further enacted,* That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such are by law exempt from postage, to wit:

"For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

"Over fifty, and not exceeding one hundred miles, ten cents.

"Over one hundred, and not exceeding two hundred miles, fifteen cents.

"Over two hundred, and not exceeding four hundred miles, twenty cents.

"Over four hundred, and not exceeding eight hundred miles, twenty-five cents.

"Over eight hundred miles, thirty cents.

"And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided,* That all letters and packets of one ounce, avoirdupois, in weight, or more, shall be charged single for every quarter of an ounce."

The question pending was the motion of Mr. Martin, to reconsider the vote by which the following amendment was adopted:

Retain the first clause of the section, and strike out all after the 7th to the 15th line of the section, inclusive, and insert, "over 50 miles, and not exceeding 150, ten cents; over 150 miles, and not exceeding 400, fifteen cents; over 400 miles, and not exceeding 800, twenty cents; over 800 miles, twenty-five cents."

Mr. CONNOR produced a letter from the Postmaster General on the subject of the tariff of postages, and giving a detailed statement of the revenue derivable from the various rates of postage. By the old plan, the revenue therefrom amounted to about $3,000,000. By the plan of the committee, there would be a loss on the smaller rates of $281,152, and a gain on the larger of $188,408, being a total loss of $92,744. But by the amendment, if adopted, there would accrue a loss of $549,417, which would at once suspend and put an end to all chance of increasing the facilities of mail transportation and of opening new routes. The letter was of great length, and entered into a great variety of details in reference to the point, and earnestly recommended that either the proposition of the committee should be adopted, with the modification of reducing the rate of letters over 800 miles from 30 cents to 25, or otherwise retain the old rates.

Mr. MARTIN explained the reasons that had induced him to change his opinion. He was assured that the amendment would cripple the Department, and he was in favor of the old rates.

Mr. HAWES was in favor of the old tariff, and should vote both against the amendment and the proposition of the committee.

Mr. McKENNAN was in favor of the present rates; for he had heard no complaints from his constituents, and he did not believe any change was desired.

Mr. PARKS entered into an explanation, showing that the proposition of the committee would injuriously affect his constituents. He hoped that the vote would not be reconsidered, or that the House would retain the old tariff.

Mr. HUNT said: I trust, sir, the House will not agree with the Committee of the Whole in their amendment to this bill; and I shall vote in favor of a reconsideration, in the hope that the projet of the Committee on the Post Office and Post Roads may be adopted; or, if not, at least that the House will adhere to the rates of postage as now established by law. When this question was before the Committee of the Whole, (on the 27th of May,) I endeavored to show that the old rates of postage were not only inconvenient, but established arbitrarily, without much regard to any governing principle, and in their operation worked great injustice; and I gave, as an illustration of this view, the case of Albany and Troy in my own State, the former paying only twelve and a half cents upon single letters from New York, and the latter paying eighteen and three quarters of a cent, merely because Albany fell two miles short of 150 miles from New York, and Troy ran four miles over 150. That this inequality operated as a tax upon the citizens of Troy, for the benefit, in all its business operations, of a rival city. I then adverted to the difficulty of assuming any scale of miles which should do exact justice to all; and contended that, in fixing a scale, we not only had a right, but it was our duty, to look to its operation upon the great business portions of our country. I believe, sir, that the projet of the committee has been based substantially upon these views. That projet possesses another advantage, in simplifying the mode of keeping the accounts of the Department, and in adapting the charges to the federal coin of the country. Again: it will in its operation produce a very considerable reduction in the tax upon the circulation of intelligence—a tax which should at all times be placed as low as the exigencies of the Government will allow. But the amendment adopted in the Committee of the Whole, and which is proposed to be reconsidered, not only in my judgment restores all the inequalities of the old tariff, but will reduce the revenue of the Post Office Department to an extent rendering all further increase of mail facilities impossible, without a resort directly to your Treasury. This is a state of things not to be desired by an American legislator or patriot.

After the clear and frank statement from the Department read this morning from your table, showing its capabilities and wants, in reference to the best interests of the country, no one, it seems to me, can doubt as to the course now to be pursued. By agreeing to the amendment adopted in Committee of the Whole, we obviate very few of the evils of the old system, while we cripple the most beneficent operations and improvements of the Department. By reconsidering the vote taken on a former day, we place it in our power to adopt the projet of the Post Office Committee, matured with much deliberation, and sanctioned by the Department; or, at least, (if this course be not acceptable to a majority of this House,) of falling back upon the present rates, which will enable the Department to progress with its proposed improvements without embarrassment, and leave to a future Legislature the task of remedying the inequalities and defects in the existing tariff of postage. I shall therefore vote for a reconsideration.

Mr. TAYLOR said that it seemed to be agreed on all hands that the Post Office Department was never intended as a source of revenue to the Government, and that it never ought to be. In this, there appears no difference of opinion. But, sir, if the present rates of postage are continued, it is very evident that it will become a source of revenue to a pretty large amount beyond the expenses of the Department. It appears by the report of the Postmaster General that the balance in favor of the Department the last year was 467,000 dollars; and the annual increase of the amount of postage has been, for a few years past, not less than ten per cent. By the statement of the Postmaster General which has just been read, the amount of postage is set down at three millions of dollars for the last year, which, at the ordinary increase, will probably be not less this year than three million three hundred thousand dollars. The increase of 300,000 dollars added to the balance in favor of the Department which accrued last year, and you have, at the present rate of postage, the sum of 767,000 dollars revenue, over the expenditures; provided there should be no additional expense incurred. The new routes which are proposed to be established by the bill now before the House, it is estimated by the committee, will cost the Department about 300,000 dollars, still leaving a large balance in its favor. Now, sir, without any change in the tariff of postage, and making all reasonable allowance for extending the accommodation of mail facilities according to the increasing wants of the people, it cannot be doubted that there will be annually accumulating an excess of revenue over the expenditures, to a large amount. This seems to be admitted by the committee, and the amendment which they have proposed, according to their estimates, will reduce the aggregate amount of postage some two or three hundred thousand dollars. But this amendment I would not consent to, because I think it would operate unjustly and unequally. It proposes to reduce the amount of postage; but while it reduces the rate with some, it increases it with others; it does not uniformly reduce the rate of postage. My honorable colleague [Mr. Mann] has said, more than once, that in examining this subject, it was not statesmanlike to examine it with reference to the effect that it might have upon one's constituents; that this would be too limited a view of the subject; but that we should look to its effects upon the whole people at large.

Sir, I grant that in examining the effect that any measure proposed here is likely to have, we should not be exclusively confined to our immediate constituents; but I venture to say no gentleman upon this floor can examine a subject so general in its operation, affecting, more or less, all classes and conditions of people, as this amendment does, without a particular inquiry into the effect it will have upon his immediate constituents. And, indeed, sir, if he should neglect to do this, he would be wanting in his duty to them. Several gentlemen have expressed to the House the opinion that the amendment of the committee would operate injuriously upon their constituents; and such, sir, I have no doubt, would be the effect upon those I have the honor to represent in part upon this floor; and hence I infer it would produce general dissatisfaction. From my district to Albany, the capital of the State, with which there is at all times an extensive correspondence, and especially during the session of the Legislature, the postage would be increased from 12½ to 15 cents; and to and from New York, the commercial emporium of the State, it would be increased from 18¾ to 20 cents; and so with other important points of communication. What the aggregate effect may be, it is impossible for me to determine; but I look, as I know those whom I represent would naturally look, to the effect that it would have upon the correspondence with those important points, where business necessarily leads to the greatest amount of letter communication, and here I find the effect of the amendment of the committee would be decidedly injurious. Sir, I voted for the amendment offered by the gentleman from Massachusetts which prevailed, and which it is now proposed to reconsider. I was in favor of this, because it is free from the objections which have been considered. it will be more uniform in its effects, reducing all the rates of postage, so that all will feel its beneficial effects, and none will have to complain that it is increased at any distance; and it conforms in the rate of postage to the federal currency, which all admit is desirable. The only objection to this I believe arises from the apprehension that it will so far reduce the amount of postage as to embarrass the Department, and compel the Postmaster General to lessen the expense by diminishing the accommodations now enjoyed by the people. This certainly should be avoided. I would do nothing calculated in the least to curtail the present mail facilities, or to prevent that reasonable extension of the system which the rapidly increasing population and business of the country may require, now or hereafter. By the letter of the Postmaster General to the chairman of the Post Office Committee, it appears that his estimate of the amount of reduction which will result from this amendment is something over half a million of dollars; which, he thinks, is more than the Department can bear, and keep up the accommodations which are now furnished. But I do not understand, from hearing the letter read, that in this estimate the increasing revenue from postage was taken into the account, which probably will equal, for a series of years, at least an annual increase of ten per cent., and which was estimated by the gentleman from Massachusetts at fifteen per cent. And as that gentleman has stated that if the vote is not reconsidered, he shall move to amend, so as to defer the period when the new tariff of postage shall take effect to the 1st day of January, 1838, it appears to me that the apprehended difficulties may and will be avoided. There will, of course, before that period, be a large balance in favor of the Department, which, with the gradually increasing amount of postage, will, it is believed, be sufficient to warrant the reduction without experiencing any embarrassment. At all events, before that time, we shall have had two annual reports from the Postmaster General; the true condition of the Department will then be well understood, and something like a just estimate may be formed of the probable effect of the reduction proposed, and the ability of the Department to sustain itself under it; and, as Congress will then be in session, any alterations can be made which may be indicated by existing circumstances. I shall, therefore, vote against a reconsideration, fearing that, if the motion to reconsider prevails, the amendment of the committee will be adopted, which I am most decidedly opposed to, preferring altogether that the present rates of postage should be continued.

Mr. SMITH said he was opposed to the motion of reconsideration. The honorable gentleman from New York, who is a member of the Post Office Committee, [Mr. Mann,] had told the House that my colleague, who has addressed the House this morning upon this subject, [Mr. Parks,] has taken a narrow or "unstatesmanlike" view of it, because he has argued against the original proposition of the Post Office Committee, and in support of the proposition of the gentleman from Massachusetts, upon the ground of their dissimilar effects upon his [Mr. Parks's] immediate constituents, and the State of Maine. My colleague has told the House, Mr. Speaker, what will be the operations of the two projects upon the citizens of Bangor and vicinity, and demonstrated that, while the one will not be prejudicial, but, perhaps, favorable to his constituents and to others interested in the commerce of Bangor, the other will be injurious and oppressive. And it is because the argument has thus been deduced from the effect to be produced upon a region with which the representative is familiar, and about which there can be no mistake, that the honorable gentleman from New York repudiates it as narrow and unstatesmanlike.

I know not, Mr. Speaker, what may be the exact extent of territory requisite to be embraced by one's thoughts, in reference to this or any other subject, in order to square with the gentleman's views of statesmanship. Perhaps it is necessary that one should extend his reasoning over a State equal in territory and population, if it is to be found, with the great State of New York, in order to reach statesmanlike views that would be satisfactory to that gentleman. Or perhaps one should swell somewhat larger, and embrace a portion or the whole of some other State or States, to answer the purpose. [Yes, the whole Union, replied Mr. Mann.] The whole Union must be included, says the honorable gentleman. It may be, sir, that such is the view which that gentleman has taken; but if it be so, his "statesmanlike" views stop not at sacrificing the interests of an entire State of this Union, without conferring upon it a single benefit in return. I claim to be governed by no such principles of statesmanship as obviously sacrifice one of these States for the benefit of the remainder, and much less for the benefit of a fractional part of the remainder. I believe it has not been pretended, it certainly has not yet been demonstrated by any gentleman, that the proposition of the Post Office Committee will operate equitably upon all the other States except Maine. I do not pretend to know what its operations will be upon either the Middle or the Western States of the Union. But I do know, sir, that from my knowledge of what its operations must and will be upon the interests of Maine—the State which I have the honor to represent, in part, upon this floor—it is highly unsatisfactory and oppressive. Nor do I, sir, claim to act upon higher or broader views of statesmanship than are suggested by such facts and such local knowledge, if it must be so called, than are actually within my reach. I reason, as Pope says, from what I know; and

> "How can we reason but from what we know?"

If the gentleman from New York does pretend to know the effect of this bill upon each State of the Uuion, he must know, sir, that there are no two points of any considerable business importance within the State of Maine, which will not be most prejudicially affected by the proposition or rates of postage reported by his committee. My colleague has told you the effect of it upon his section of the State. Let us take the two most prominent points of business in the State, the cities of Portland and Bangor, and it imposes an additional tax of two and one half cents upon every letter that will be interchanged by them. The effect upon the intercourse through the mail between Bangor and Boston is the same. That upon the intercourse between Portland and Boston, Bath and Boston, and Augusta and Boston, is the same. It is an increase of postage also upon all business between Bangor and New York, and Portland and New York; and I believe every other point in the State and the city of New York. This is the result of a comparison between the law as it now stands and the proposed law of the Post Office Committee. The rates of postage as now established are far more preferable, so far as the whole State of Maine, and even so far as every part of the State, separately considered, is interested in the subject of postage. Sir, ought the interests of a whole State to be thus sacrificed to "statesmanlike" views or any other views? It can never be done by a deliberative body.

Mr. S. said he was in favor of a new tariff of postage, if it could be agreed upon. He was in favor of getting rid of the quarter cent, and half cent, and six cent rates, and substituting the half dime, the dime, and a similar denomination of increase. He was in favor of the proposition which the gentleman from Massachusetts had made, and hoped the vote by which it had been adopted might not be reconsidered. So far as my own knowledge of what its operations must be extends, said Mr. S., it is judicious and desirable. Instead of adding to the tax now imposed upon intercourse among the people through the mail, (as the proposition of the Post Office Committee would,) it would lessen it between all points, and lighten the burden of postage now borne by the people. Such a measure I am entirely in favor of.

But, sir, it has been attempted to dissuade the House against the tariff of postage now under consideration, on the ground that it will reduce the revenues of the Post Office Department to such an extent as to stop the usual yearly extension of mail facilities. And the letter of the Postmaster General, sent into the House this morning through the honorable chairman of the Post Office Committee, had been quoted to prove that the reduction of some $500,000 yearly will be effected in the revenues of the Department by this tariff, estimating it upon the revenues of the last year; while the tariff of the committee will reduce them something like $200,000. But this estimate of the Postmaster General claims to be only a hasty calculation, and pretends not to make any credit whatever to the natural and inevitable growth of the revenue of the Department. What, sir, has been this growth during the last eight years, and what has it accomplished? We have been told, that only about one year or eighteen months since, the Department was in debt over one million of dollars, from a too great extension of mail facilities, or from other causes combined therewith. We are now told, at the expiration of a year or eighteen months at farthest, that this enormous deficit has been extinguished, or is about being extinguished, but a surplus revenue is shortly to be found in the Treasury Department.

This is the strength of the Department's operations within a single year, or in eighteen months at most. And is there so much cause for apprehension about the reduction of the revenues of the Department in the sum of $500,000, even though there was no natural and inevitable growth in them to offset or provide against it? Look, sir, as I before suggested, through the history of the Department for the last eight years, and mark what it has accomplished with only its own naked revenues. It has paid off all its expenditures, or nearly squared them, as we are told by the present Postmaster General; and, in the mean time, it has extended mail facilities over the whole country to over one half—yes, sir, to nearly double the amount that existed at the commencement of that period. Eight years ago, the mail transportation in stages, steamboats, sulkies, and on horseback, amounted in the yearly aggregate to about fourteen millions and five hundred thousand miles. It now amounts to nearly, if not quite, double that sum. The aggregate yearly revenue of the Department, eight years ago, was about one million seven hundred thousand dollars. The Postmaster General now estimates the revenues of the Department, per annum, at three millions of dollars. And, after making allowances for all the requisite additions of mail facilities, to be effected during the coming year, to be paid for out of the proceeds of past investments, a surplus of about two hundred thousand dollars is anticipated, at the lowest estimate. Sir, these facts demonstrate that there is no cause for apprehension on account of reduction in the revenue of the Department by the proposition of the gentleman from Massachusetts. I repeat, that the estimated reduction by it of the Postmaster General's letter makes no account of the certain addition of revenue to the Department, arising from the constant increase of business throughout the country, and beyond the extension of mail facilities.

I should like very much to see the other side of this account worked out upon paper by the present shrewd, intelligent, and talented Postmaster General. I should like to see *his* figures, demonstrating what the growth of revenue in the Department would be over and above the usual expenditures and mail extension, and what it can bear, running the calculation through a series of years to come, as he would know well how to do, and not confining it to the operations of a single year. Where the annual increase of revenue is clearly out of proportion to the necessary increase of mail extension, it is evident that every year will admit of further diminution of that revenue, without curtailing the usual extension of mail facilities. Now, sir, it is this state of things in the Post Office Department that I would take advantage of, and by it reduce the rates of postage throughout the land. And even though such a reduction should operate to make the Post Office Department, to some extent, an annual charge upon the Treasury of the nation, I would still advocate it as a matter of both justice and expediency under the existing condition of the Treasury of this Government. As a matter of justice, the Federal Government can afford to contribute to the support of the Department. Its services for the Government, if taxed as individuals are taxed for its services, would exceed a million of dollars per annum. Why, then, fear to throw the Department upon the national Treasury to some extent, if the proposed measure will so operate? which I do not believe. Sir, I am in favor of a reduction of the postages now imposed upon the people. The time has come when the people are entitled to relief from the burdens imposed upon them by the Federal Government; and the time has not only come for this, but for the rising of a feeling of general complaint that the legislation of the Federal Government operates to gather into the Treasury large masses of funds that can serve no great or good purpose, and produces only excitement and distraction throughout the country.

Sir, I am prepared to lighten this taxation upon the people in any and in every way that presents an opportunity for it; and I have none of the apprehensions of other gentlemen of bad effects resulting from the reduction of postage now proposed; and first, because I have no faith in the predictions that the Post Office Department will be in any degree embarrassed by it; and next, because, if that should be the case, the federal Treasury is competent to contribute relief, without adding one cent to the taxes now gathered from the people.

Mr. Speaker, I will detain the House only to add a word of admonition to those gentlemen who prefer the law as it now stands, to the proposed law of the committee. If they wish to secure their object, and retain the law as it now stands, let them beware of voting in favor of reconsidering the motion of the gentleman from Massachusetts. For if that motion be reconsidered, I believe there will be a combination of feeling and interest--of feeling in some quarter in favor of changing the rates of postage- from considerations connected with the currency, perhaps, and of interest elsewhere, arising from local advantages which may be foreseen, sufficient to sustain and carry the proposition of the committee, unequal as it is upon some of the States. If the motion to reconsider be negatived, the question will stand between the law as it now is, and the tariff proposed by the gentleman from Massachusetts, [Mr. Lawrence.] I am, individually, in favor of this last proposition. But if this cannot be adopted, I hope to avoid the proposition of the committee, and retain the tariff of postage now provided by law.

After some further remarks from Messrs. **HUNT, MILLER, VINTON, REED, LAWRENCE, WILLIAMS** of North Carolina, **BRIGGS, JOHNSON** of Louisiana, **DENNY, MANN** of New York, **GILLET, PEARCE** of Rhode Island, and **EVERETT**,

Mr. **PHILLIPS** asked for the yeas and nays; which were ordered.

Mr. **GRENNELL** moved a call of the House. Lost.

The question on reconsidering was then taken, and decided in the negative: Yeas 66, nays 81.

So the motion to reconsider was lost.

The question then recurred on agreeing to the section as amended.

Mr. **LAWRENCE** moved to amend the first clause of the same section by inserting 1837, instead of 1836. Agreed to.

After some remarks by Messrs. **PHILLIPS, VANDERPOEL,** and **DUNLAP**, the question was taken on concurring with the Committee of the Whole in the section as amended, and it was decided in the negative: Yeas 65, nays 91.

So the House refused to concur, and the clause was stricken out.

Mr. **ADAMS** moved to reconsider the vote by which the following amendment of the Committee of the Whole was concurred in:

"Sec. 5. That the Treasurer of the United States shall give receipts for all moneys *received by him to the credit of the appropriation.*" Strike out the words in italics, and insert in lieu thereof the following: "duly deposited to his credit in bank."

Mr. **ADAMS** addressed the House for some time in support of his motion, and in opposition to the amendmnet.

Mr. **CONNOR** explained that the clause had been amended to render it consistent with the present mode of conducting the financial affairs of the Department.

Mr. **PARKER** did not entirely approve of the clause as it had been amended. The word "bank" was too indefinite, too ambiguous; and by whom was the selection to be made?

Mr. **McKAY** thought all objection might be obviated by inserting another section or proviso, that the banks in which the money might be deposited should be selected by the Treasurer, under the direction of the Postmaster General.

Mr. **MANN**, of New York, said he saw no objection to restoring the clause as it was originally reported, and he hoped the motion to reconsider would prevail.

Mr. **ADAMS** did not approve of the suggestion of the gentleman from North Carolina, [Mr. McKay.]

The motion to reconsider was then agreed to, and the amendment was non-concurred in.

Mr. **FAIRFIELD** moved to non-concur in the following amendment:

"Sec. 40. *And be it further enacted,* That in case the Postmaster General shall deem it expedient to establish an express mail on horseback, in addition to the ordinary mail, on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters other than such as contain money, not exceeding half an ounce in weight, marked 'express mail,' and public despatches, he shall be authorized to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject, when carried by the ordinary mails."

Mr. **FAIRFIELD** said he hoped the House would not concur with the Committee of the Whole in adopting this amendment. He viewed it as a specimen of that course of legislation which had prevailed for so many years that it might now be regarded as a system—that of legislating for the benefit of the few, regardless of the rights and interests of the many. The proposition is, substantially, to establish an express mail for letters and newspaper slips, to be carried on horseback, at triple the present rate of postage. This is, substantially, the proposition; for though the Postmaster General has now the power to establish an express mail, yet he has no power to increase the present rate of postage; and without such increase it cannot be supposed that such a mail would be established. It is true that the proposed amendment will still leave the matter to the discretion of the Postmaster General; but he and every body else will consider the adoption or rejection of this amendment as an approval or disapproval of this project, and he will undoubtedly act accordingly. Mr. F. said he therefore felt himself justified in regarding this as a direct proposition to establish an express mail.

Now, sir, if we look at the places where this mail would probably be started, or the persons who are particularly interested in it, and who would avail themselves of it, no one can view it as a measure designed for the common benefit of the people, but rather one designed for a very few, and those who, to say the least of them, are no more deserving of favors from the Government than others. Where, sir, will this express mail be established? Undoubtedly between the great commercial cities.

It can support itself nowhere else, and indeed it is very doubtful whether it could support itself there. It would, therefore, be confined not only to the large maritime cities, but to a very few of them—say those between Boston and Baltimore. The class of persons who would be particularly benefited by it would be the speculators. It would be lending the aid of the Government to speculators, and those who are not content to pursue business in the regular ordinary mode. It is well known that there is a class of men in all our large cities, who devote themselves (or many of them) to no regular calling, but who are constantly on the watch, to avail themselves of the fluctuations of the market, to speculate out of those who are quietly pursuing their business with habits of industry and frugality, content with their gains, which, though slowly, are honestly acquired, and which will be likely to endure. If, for instance, on an arrival from abroad, bringing information of a great rise in the price of any particular article, or such information as renders it probable that there will be a scarcity of any particular article, these speculators, by means of agents, immediately buy up and monopolize all of that article there is in the country, after which they sell back again to the people, at prices affording to the speculators enormous profits. And these are the men who are to be particularly benefited by the proposed express mail. Take for illustration a case similar to the one alluded to a few days since, though for another purpose, by the chairman of the committee who reported this bill. Suppose that, by an arrival at New York from Liverpool, information is obtained of a great and sudden rise in the price of cotton. Thereupon the speculators immediately despatch instructions to their agents at the South, through the express mail, and cause the whole crops of the planters to be purchased up at prices far below what might have been obtained, if the owners of the cotton had been aware of the facts, and information of the state of the market had been communicated by the regular and ordinary mail. Here, the profits on the cotton would not go into the pockets of him who had raised it by the sweat of his brow, but into the pockets of the prowling speculator, who lives upon the industry of others. It is for the benefit of this class of men that the express mail will be established. I know it may be said that this express mail will be open and free for every one who chooses to avail himself of it, and that the planter, in the case supposed, can procure information by means of it, as early as the speculator or his agents. This is all plausible enough in theory; but how would it be practically? The speculator is constantly upon the alert, and immediately upon the receipt of information affecting materially the price of any article, say cotton, he despatches instructions to his partners or agents. But will the planter have in all the commercial cities those sufficiently interested in his affairs to be equally on the alert with the speculators to obtain information, and equally ready and early to communicate it? Such a supposition cannot be entertained. Such friends are not to be found every day; and to hire a host of agents for this purpose would be burdensome and oppressive in the extreme.

But, saying nothing of the speculators, I ask, said Mr. F., if it would not in practice be giving one class of merchants an advantage over others? It was not to be supposed that all would adopt this mail for their correspondence, unless, indeed, in the way of self-defence, they were all compelled to resort to it; in which case it would be imposing a heavy burden upon the young merchant who had just commenced business, and perhaps with a small capital. To the wealthy merchant, him who is worth his hundreds of thousands, this triple postage would be a matter of no consequence; but it would be far otherwise to men of smaller capital, but who are quite as much deserving of aid from the Government as the more wealthy. The probability is, therefore, that all would not avail themselves of this express mail; it would be confined to a few. Those who are rolling in wealth, and care nothing for the extra expense--and those "neck or nothing" men who, in all their transactions, are willing to incur extraordinary expenses in the expectation of reaping extraordinary profits; in which case it will be perceived that, in most of the sales and purchases in our commercial cities, particularly in regard to country retailers, one party would be acting upon information obtained by the express mail, not possessed by the other. The wholesale dealer might know precisely when it would be for his interest to yield a little in his demands, and when to persist in his demands for an exorbitant price. The operations, therefore, of this mail would be unequal. In practice, whatever it may purport to be on the face, it would be conferring advantages on one class to the injury of another. Entertaining these views, sir, I feel bound, said Mr. F., to oppose the concurrence of the House with the Committee of the Whole in adopting the proposed amendment.

Mr. **HARPER** opposed the motion, and went on to show that an express, established by law, would be the surest safeguard against the impositions of the speculators.

Mr. **PARKER** moved to strike out the words "on horseback;" agreed to.

The section, as amended, was then concurred in: Ayes 85, noes 38.

Mr. **HOWARD** moved to non-concur in the following amendment of the Committee of the Whole:

"Sec. 44. *And be it further enacted,* That the Postmaster General shall be authorized to contract for the transportation of the mail on railroads by the most expeditious means: *Provided* he shall be enabled to do so for a price not exceeding double that which is usually paid for equal freight, on the average, on such railroads, on ordinary merchandise."

Mr. H. called the attention of the House to the fact that the section gave less than was offered by the Postmaster General.

Mr. **HAWES** hoped the House would concur, so that the Postmaster General might be so limited as to prevent the Government from being imposed upon. He hoped so, also, for the reason assigned by the gentleman from Maryland, because the Postmaster General offered too much.

Mr. **BOULDIN** said he would vote for this or any other check that could be put on the monopoly of these railroads. Should a connexion of these railroads and steam conveyances be made between New Orleans and New York, and the combinations be formed which the gentleman from Pennsylvania [Mr. Anthony] had suggested, we should be perfectly at the command, and under the thumb, of these companies. They would have the command of the commerce of the whole Union. They would not carry the mail for millions a year, because they could speculate on the market, and no private conveyance could compete with them. To make a parallel rail and steamboat route would cost immense sums; and, from the opinions of the Southern politicians, could not be made. Mr. B. said he would therefore throw every obstacle in his power in their way, and give no encouragement to them, until it should be understood distinctly, in every case, upon what terms they would carry the mail. He knew he could not break up the present railoads; but he would now inform them, that by his vote they could get no encouragement, without it being first understood upon what terms the mail would be carried. It made no great odds whether intelligence be carried in one day or five, provided all get information at the same time. But if these monopolies obtain these privileges, and by steam carry information faster than any private conveyance can carry it, we shall be perfectly at their command. Mr. B. would therefore not encourage them by giving exorbitant prices for carrying the mail, and would assure them of it by voting for limiting the Postmaster General according to the provision proposed in the bill.

The debate was further continued by Messrs. **HOWARD, ANTHONY, CONNOR, DICKERSON, WARDWELL, MANN** of New York, **PARKER, BELL, MERCER, McKIM, VANDERPOEL, PEARCE** of Rhode Island, **BRIGGS, JUDSON, MASON** of Virginia, and **THOMAS**; when

Mr. **PARKER** moved a further amendment; which was negatived.

Mr. **J. Y. MASON** moved to strike out the proviso in the section as reported from the committee; but subsequently withdrew the motion.

Mr. **EVERETT** moved a substitute for the section; which he withdrew.

The question was then taken on concurring with the committee in the adoption of the foregoing section, and determined in the negative: Ayes 60, noes 73.

Mr. **ASH** moved that the House adjourn: Ayes 71, noes 44.

The House adjourned.

Wednesday, June 1.

CONVENTION WITH SPAIN.

The act to carry into effect the convention between the United States and Spain, returned from the Senate with a resolution declaring that the Senate insisted on their amendment, and ask a conference, was taken up; and,

On motion of Mr. **ADAMS**, the House insisted on their disagreement to the Senate's amendment, and agreed to the conference asked by the Senate. The committee on the part of the House was ordered to consist of five.

ADDITIONAL PAYMASTERS.

Mr. **JOHNSON**, of Kentucky, by leave, from the Committee on Military Affairs, reported a bill from the Senate, providing for the appointment of three additional paymasters of the army; read twice and committed.

Mr. J. asked the consent of the House to make the bill the special order for to-morrow at half past 10 o'clock; objected to.

Mr. **HIESTER** moved a suspension of the rules, for the purpose of taking up the joint resolution from the Senate, fixing the day of adjournment of the present session of Congress.

Mr. **HAWES** moved to lay the motion to suspend on the table.

Mr. **HAYNES** asked for the yeas and nays; which were ordered.

The House refused to lay the motion on the table: Yeas 81, nays 99.

Mr. **HIESTER** then asked for the yeas and nays on the motion to suspend the rules; which were not ordered, and the motion was decided in the negative: Ayes 84, noes 81; not two thirds.

ABOLITION REPORT.

Mr. **HUNT** asked leave of the House to make a statement on a subject in which he was personally concerned, and which was of deep and vital importance to this country.

Objections being made,

Mr. **HUNT** moved the suspension of the rules, for the purpose indicated. He held in his hand, he said, a document which he had found on his table, since he came into the House this morning, and to which he wished to call the attention of the House.

[Cries of "order."]

The **SPEAKER** put the question on the suspension of the rules; when, by the sound, it seemed to be lost. Before the result was announced, the yeas and nays were called for and refused.

Mr. **HARDIN** asked if it was in order to amend the motion, so as to allow him to make an explanation. He had been represented, in a document now on the tables of members, as having voted for the emancipation of slaves in the States, which was utterly false.

Mr. **PATTON** stated that no member of the House, after knowing the object of the request, would refuse it. The tables of the House had been covered with copies of a document, which members were unwarily circulating, containing foul misrepresentations of the course of members of this House on a most important question.

Mr. **CLAIBORNE**, of Mississippi, followed Mr. Patton, and said he rose to corroborate the statement of that gentleman, and to urge the majority in the House to give to the member from New York [Mr. Hunt] an opportunity to explain. He felt that he himself had been placed in a position of peculiar delicacy, without any fault or connivance of his own. A few days since he had put his name to a paper which was circulating in this hall, for the printing of the report submitted by the select committee on the subject of slavery. Such papers, proposing the publication of certain documents, were seen here every day. Who put the one in circulation which Mr. C. had subscribed to he did not know. When he took his seat here this morning, he found two hundred copies of the report on his desk, folded and directed by his amanuensis, and he had put his frank on them, without being aware of the erroneous statement they contained. The moment he was apprized of this, he sent to the post office to recall them, and should commit them to the flames. He had most unconsciously put his frank upon a falsehood; and the only return in his power to offer, the only evidence he was able to give of his regret, he would now give, by voting to allow the gentleman from New York to explain, and he invoked the House to suspend the rules.

Mr. **PATTON** demanded the yeas and nays, and, being taken, the motion to suspend the rules was carried: Yeas 140, nays 36.

Mr. **HUNT** said: I return my grateful acknowledgments to the House for the privilege allowed me, by an overwhelming vote, to make an explanation, in a matter deeply affecting my character as a man and a legislator. I regret, sir, to consume any time in a matter more immediately personal to myself; but the House will bear me witness that I have not often thrown myself upon their indulgence, nor consumed much of their time in the debates of the session. Sir, after taking my seat this morning, and after the business of the House had commenced, my attention was accidentally called to a publication from the office of the Globe, in pamphlet form, purporting to be the "Report of the select committee upon the subject of slavery in the District of Columbia, made by Hon. H. L. Pinckney, to the House of Representatives, May 18, 1836. To which is appended the votes in the House of Representatives upon the several resolutions with which the report concludes."

The first resolution is in the following words, viz:

"*Resolved*, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy;" and the pamphlet to which I allude goes on to say, "the following are the votes on the resolutions at the conclusion of the report, viz: On the first resolution—Nays—Messrs. Adams, H. Allen, Bailey, Bell, Bond, Bunch, G. Chambers, Clark, Everett, Granger, Graves, Grennell, H. Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Hunt, Janes, Lawler, Lawrence, L. Lea, Lewis, Lincoln, Lyon, S. Mason, McKennan, Patton, J. A. Pearce, Pickens, Rencher, Russell, A. H. Shepperd, Slade, Sprague, Standefer, Steele, Taliaferro, Underwood, Vinton, Whittlesey, L. Williams, S. Williams, and Wise—46.

Now, sir, your journals show that, upon this first resolution, there were nine* only in the negative, and that my name stands recorded in the affirmative. As regards the rank injustice done other gentlemen, it does not, perhaps, behoove me to speak; they are abundantly able to protect their own reputations; but as regards myself, I pronounce the publication in question to be either a gross misrepresentation, or a most palpable and inexcusable mistake.

Were this an error connected with any ordinary topics, or with the paltry and evanescent party politics of the day, I should have passed it by in silence; for I stand not here to utter philippics against any one, nor do I court the notoriety growing out of an issue made upon this floor with a newspaper editor. But, sir, this question of slavery is one of deep, absorbing, permanent, and alarming interest to this country. It will remain, with its momentous consequences to this Government, long after the individual who now addresses you, and all those within the sound of his voice, shall have passed to their graves. Upon such a question, I wish no mistake in my opinions, however humble their source may be. They are not the result of the moment, nor influenced by the fate of any aspirant for office; but the settled convictions of a judgment which has sought, with singleness of purpose, for the truth.

Sir, in charity for human frailty, perhaps I am bound to consider the present error as arising from mistake. I trust it has so arisen, although even that view cannot soften the harshness of its injustice; for why to a report append the yeas and nays growing out of accompanying resolutions? Is not this a most unusual course? At least, if editors suppose any purpose is to be answered by such a course, we have a right to hold them strictly responsible for the truth and accuracy of their report. One further remark. In a daily paper, issuing from the Globe office a few days since, I, with others, was denounced in no measured terms for having given a conscientious vote upon a question growing out of this same slavery resolution. Sir, I felt the editors did me great injustice, yet desired not to trouble this House with a private grievance of the kind. I passed it by, as one of the evils growing out of a licentious press, to be redressed, not upon this floor, but in some other place; but, sir, the events of this morning have, to my mind, connected that newspaper attack with the misrepresentations of the pamphlet to which I have called the attention of the House; and when gentlemen reflect that this pamphlet has gone, under our own frank, to every quarter of this extended country, they will feel the necessity imposed upon me of making in my place the explanation I have given. This explanation was due to myself, and, more especially, to a family to whom I can hope to leave little else than an unsullied reputation.

Sir, allow me again to thank the House for their indulgence, and, having done so, I have done with this unpleasant subject.

Mr. UNDERWOOD asked whether the document had been received by order of the House. If so, he should propose a resolution declaring it to be erroneous in its statements.

Some one replied in the negative.

Mr. A. H. SHEPPERD asked whether the Clerk had furnished the list of yeas and nays for publication.

The SPEAKER stated that the Clerk, in reply, had informed him that he was not in the habit of furnishing lists to editors, but that editors had access to the book of yeas and nays, and took the lists for themselves.

Mr. MERCER asked to what date the printed journal had been brought down.

The SPEAKER replied, to the 16th of May.

Mr. A. H. SHEPPERD and Mr. MERCER asked leave to make explanations on the subject; but it was objected to.

Mr. GILLET said, if the House would permit him, he would explain this matter; but objections were made.

Mr. CLAIBORNE said he felt his reputation involved in this subject, and he claimed it as a right to make a statement to the House.

[Cries of "leave, leave," and "no, no."]

Mr. CLAIBORNE moved a suspension of the rules for the purpose.

Mr. MERCER moved to amend the motion so as to permit others to make explanations; which motion was, after some confused proceedings, agreed to by a vote of 91 to 79.

Mr. PATTON rose, and called the attention of the House to the fact that the Globe newspaper recently contained an editorial article making statements equally as gross and false as those which had been just brought to the notice of the House.

Mr. P. was here interrupted by calls to order.

The question on the motion to suspend the rules was taken by yeas and nays, and negatived: Yeas 98, nays 82; not two thirds.

Mr. UNDERWOOD asked the consent of the House to offer a resolution directing the printer to the House to publish five thousand copies of the report on the slavery subject, with the yeas and nays on each of the resolutions annexed.

Mr. VANDERPOEL objected, on the ground that it would create a debate.

Mr. McKENNAN asked the gentleman from Kentucky to withdraw his motion. He had no idea, he said, of paying the printer for his blunders.

Mr. UNDERWOOD withdrew the proposition.

Mr. WISE rose simply to request the members who had received these pamphlets to prevent their circulation.

"Yes," "certainly," was responded from every part of the House.

On motion of Mr. CONNOR, the House then proceeded to the orders of the day.

POST OFFICE DEPARTMENT.

The House resumed the bill to change the organiza-

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*The gentlemen who voted in the negative upon the first resolution were Messrs. Slade Potts, Phillips, Jones, Jackson of Mass., Everett, Denny, Clark, and Adams.—*Note by Mr. H.*

tion of the Post Office Department, and more effectually to provide for the settlement of the accounts thereof.

The question first in order was on concurring with the Committee of the Whole in the following increase of the salaries of the officers and clerks of the Department:

"Sec. 45. *And be it further enacted,* That the following annual salaries shall be allowed to the Assistant Postmasters General, and to the clerks, messengers, and watchmen, provided for the service of the Post Office Department, to be paid at the end of each calendar month, viz:

"To the three Assistant Postmasters General, each $3,000.
"To the chief clerk, $2,100.
"To the three principal clerks, each $1,700.
"To ten clerks, each $1,400.
"To fifteen clerks, each $1,200.
"To eight clerks, each $900.
"To the messenger, $900.
"To the three assistant messengers, each $600.
"To the two watchmen, each $300."

A debate ensued on this proposed increase, in which Messrs. **HARLAN, HARPER, MANN** of New York, **CAVE JOHNSON, ADAMS, GIDEON LEE, PEARCE** of Maryland, **PARKER, ANTHONY,** and **HIESTER,** took part.

Mr. **WISE** said that heretofore there were thirty-eight clerks employed for the sum of $39,700. By the clause in this bill which is proposed to be stricken out, thirty-seven only are to be employed for the sum of $46,400, making an increase upon the old establishment of the Department of $6,700. In addition to this increase upon the salaries of clerks, this bill proposes for Assistant Postmasters General, messenger, and for Auditor's office, an increase in gross of $63,400; making the entire amount of proposed increase, for new and old establishment of the Department, the sum of seventy thousand one hundred dollars per annum.

What are the arguments for this enormous amount of annual increased expenditure in a single Department? Sir, I beg leave to call the attention of the House to an official document, (No. 362,) laid before us in compliance with a resolution of the Senate, showing the reasons of the Postmaster General. He says:

"It is true that even the lower salaries in this Department are much sought after, and there are generally from one to two hundred applicants on hand, who would be willing to accept even of $800; but they are almost exclusively young unmarried men—men in desperate circumstances, or men who are incompetent to make a living elsewhere, and seek for these appointments as a means of meager support to themselves and families. The consequence is, that a large proportion, probably a considerable majority, of the clerks of this Department are hopeless insolvents, and many of them are put to great straits even to subsist themselves and families on their present compensation. The payment of old debts is out of the question."

And, sir, so it is! We are here called on to take the money of the people to pay "old debts" of a set of "hopeless insolvents"—"men in desperate circumstances," who cannot find means "to bury the dead," or "furnish bread for the living!" How came such a set employed? Who put them in office? Can no better be found for that pitiful sum of $800 per annum? $800 per annum! Why, sir, I say it is a libel upon the country to say that $800 will not command for the public service the labor of virtuous and competent officers. If you will take the embargo or incubus of downright slavery—not the slavery of hard work, that is not known here—but the slavery of party oppression, the slavery of the gag, of the knout and bow-string; of tenure by will; the slavery which hushes the tongue that would tell of abuses, and shuts the eyes that would see them; the slavery of proscription for freedom of opinion and speech—off these $800 offices, you will then find many and more than enough able and efficient freemen, of virtuous habits, willing and glad to fill a post of respectability yielding an income of the pitiful sum even of $800! I know, sir, of many deputy clerks in Virginia who work longer every day in their offices, the year round, than from 10 to 3 o'clock, who do not get $500 per annum, including their board and washing, who are not "hopeless insolvents" or "desperate men," and who would be glad to serve their country at $800 per annum, if they could do so as independent freemen, and not as palace slaves. That, sir, is the cause of these beggarly accounts of your public servants; they cannot be otherwise than as described by the chief of all of them, so long as the modern system of "the party" prevails. Beelzebub cannot be surrounded by angels! You are driving every honest and independent man from office, whilst you are putting at the head of your affairs the very last of all pimps and panders of power. All the wealth of the nation, if expended in salaries, could not gild foul fair. No, sir; the true remedy is honest and patriotic reform in the higher offices of your Departments. Give us the right sort of chiefs, themselves virtuous, independent, honestly republican and economical, and we will have no underlings, but respectable subordinates in office, who will live decently, and not die insolvent, and who will pay their way as they go, without calling upon Government in effect to pay their "old debts." Sir, to illustrate, I am told that these wretches, as described by the Postmaster General, themselves do not wish their salaries to be increased as proposed. I am told that the gentleman from Pennsylvania [Mr. Harper] has authority for saying so. Why do they not wish for more "pap?" Mark the reason! If their salaries are increased, they will be removed to make vacancies wherewith to reward certain favorites now hovering like vultures over the success of this proposed increase—favorites who, like Amos himself, would not think of taking an office unless it yielded at least $1,500! Yes, sir; no one knows the value of high bounties better than the present Postmaster General himself. He took the bounty once—I have seen and talked with the man who paid it to him; and no man now would make better use of the dispensation of bounties to others.

But, sir, this is small matter. I should not have risen but to notice what follows in this report of arguments for increase of salaries. The Postmaster General proceeds:

"Appointments to the more honorable and lucrative stations in this Government have been heretofore, and will be hereafter, made chiefly from political considerations."

Let the fact, then, be no longer denied, for here the principle upon which appointments are made is admitted and claimed in an official document from the head of a Department. I ask any honest and patriotic original friend of General Jackson, if such would have been believed of this administration less than eight years ago? Now, sir, this odious doctrine of proscription is not only defended by the party press, by the Globe, and by New York politicians, but by your official State papers. What are we to come to! Doctrines, principles, and practices, which but yesterday were charged almost as criminal, and certainly as offensive and odious to the public, and which were denied and repulsed as damning to any party which would profess and would not repudiate them, are to-day presumed by the powers that be to have become popular and palatable, are openly avowed and daringly administered in the operations of the Government. Yes, sir; it so happens that I have just been furnished with evidence of the strongest kind, of the most tyrannical and harsh application of the abominable principle here avowed by the Postmaster General.

Mr. WISE then read the following correspondence, which was sent to him by the chairman and secretary of a public meeting in the State of Maryland, together with the report of their proceedings:

CLEARSPRING, APRIL 20, 1836.

HON. SIR: On the 1st day of July, 1834, I received the appointment of postmaster at Clearspring, Maryland, and on the 19th of this month I was removed from office; during the whole of which time I discharged the duties of postmaster to the best of my ability, and gave general satisfaction; and from what cause my removal has taken place I cannot imagine for a moment. Will you not, honorable sir, make yourself acquainted with the facts, (if in your power,) and inform me thereof?

Sir, with respect,
D. RIDENOUR, *Late P. M.*

To F. THOMAS, Esq.

WASHINGTON, *April* 25, 1836.

SIR: If your removal from the office of postmaster at Clearspring was unexpected, your surprise cannot possibly exceed that of mine, on reading your letter of the 20th of April. In it you declare your belief that you gave, while in office, general satisfaction, and that you cannot imagine for a moment for what cause you have been removed. These assertions, thus solemnly made, coming as they do from one whose veracity I have never heard impeached, ought to be confided in; and yet it is strange that you have been kept in entire ignorance as to matters which I know are well understood by many of your friends with whom you have constant intercourse. This concealment on their part may have been practised for good cause, but I shall not imitate it. I shall reply to your letter with that frankness which becomes me.

You were originally appointed postmaster at my instance. Major Barry, in 1834, notified me that it was his purpose to remove the then incumbent from the office which you subsequently filled, and requested me to name a person to fill the proposed vacancy. My acquaintance in Clearspring was not such that I could readily comply with this request of the Postmaster General. I wished to recommend some person who would accept the appointment, who would be well qualified to perform its duties, who would be acceptable at the same time to those who had placed me in the position which had invited Major Barry's application, and not obnoxious on any account to a majority of those with whom he would necessarily hold intercourse officially. To enable me thus to act, I addressed a letter to a gentleman in your neighborhood, in whose judgment and discretion I had entire confidence, and requested him to furnish me with the required information. In consequence of his reply, the office was given to you, at my instance, by Major Barry.

Immediately after the appointment became known to the citizens of Clearspring, I received letters from several of them, amongst others one from your brother-in-law, remonstrating very strongly against your appointment, and urging your removal. This I refused to recommend, and expressed the hope and expectation to them, that your conduct in office would be such that all opposition would subside, and those immediately interested become satisfied. Subsequently, repeated complaints were made to me, which I thought proper to disregard, still hoping that you would become acceptable to the people of the district generally. But in this I was disappointed. During the last summer I received a letter from several highly respectable citizens of Clearspring, accompanied by the proceedings of a meeting of a large portion of the people of that place, recommending your removal, and soliciting my aid to accomplish it. Although I was then a candidate for Congress, and needed the suffrages of those from whom this application came, and expected, too, that you and your immediate friends would all oppose my election, I returned the memorial, which was addressed to the Postmaster General, and had been forwarded to me to be transmitted, declining to send it, on account of the manner in which your appointment was referred to, and in the hope that this opposition to you would subside. In this expectation I was disappointed. Another memorial, praying for the appointment of the individual who has been made your successor, was sent to me, in a letter from three highly respectable citizens of your neighborhood, who had been appointed a committee for that purpose, at a meeting of a portion of the citizens of Clearspring. (In this letter it was alleged that your language and deportment towards those with whom you differed in politics was such that it was unpleasant to hold intercourse with you as a public officer.) This memorial was forwarded by me to the Postmaster General, in a short note, asking for it a favorable consideration. Mr. Kendall declined acting, in the absence of proof of particular instances in which your deportment had been offensive. His letter to me to that effect was sent to a gentleman at Clearspring, and the Postmaster General was requested not to act finally on the subject until he heard again from the memorialists. Several certificates, the precise import of which I do not at this moment remember, were forwarded to me, to be handed to the Postmaster General; which was done; and I made no further inquiry on the subject until after I had received several letters, earnestly insisting on the appointment of Mr. Kneffer, and soliciting my interference. I then called on the Assistant Postmaster General for the papers in your case, and they were submitted to my examination. I found that very few persons in your neighborhood had remonstrated against your removal. They alleged that you were acceptable to the people; but, in the absence of other evidence of that fact than their letters afforded, I was compelled to confide in the statements made in the proceedings of the meeting referred to, and concluded that it was the settled, calm, and fixed desire of a decided majority of the people interested in the discharge of the duties of the post office at Clearspring, that they should be imposed on your successor. This opinion was formed under the supposition that you had not been kept in entire ignorance by your friends of that which I had supposed was known to every intelligent individual in your district. And I must be permitted to repeat, that I am surprised at the allegations in your letters, particularly as I was told that you had here, in the Post Office Department, a friend, who was fully apprized of all the proceedings I have referred to.

Under an impression, therefore, that you knew that your appointment had not given, as stated in your letter, "general satisfaction;" that you were well aware that your removal had been recommended by a large number of persons interested, assembled at a public meeting; and seeing on file in the Post Office Department no remonstrance against that measure, except the letters I have alluded to, I concluded that the opinion I had formed upon the subject was well founded, and determined to impress it on the Postmaster General. With that purpose I called on him about a month since, after having failed repeatedly to find him at his office, in consequence of his indisposition, and recommended verbally your removal; telling the Postmaster General that you had been originally appointed at my instance, and that it would not have been done if I had been aware that your appointment was justly calculated to displease decidedly those who have remonstrated against it, and to whom, as a public man, I am under many obligations.

My correspondent at Clearspring had led me to commit an error which I desired to correct.

These are all the facts and circumstances which occur to me as being necessary to communicate in reply to your letter. From them you may learn by what I have been influenced, in the matter to which your letter relates. By what considerations the Postmaster General has been influenced I know not, as I have not conversed or corresponded with him since the time of the last interview above referred to. If you have any desire to know any thing as to his motives and reasons, he alone can gratify you. I presume, however, he could say nothing which would be more satisfactory than that which this letter contains.

In conclusion, I regret that the appointment was originally given to you, as it has been to me a source of much annoyance, and as your removal appears to have wounded your feelings, and will probably mortify some of your friends, for whom I entertain a high respect.

Respectfully, your obedient servant,

FRANCIS THOMAS.

Mr. David Ridenour.

Post Office Department,
April 26, 1836.

Sir: Your letter of the 20th instant is at hand. When this Department shall give just grounds for attacks on your character, it will feel bound to furnish you with all the means of defence in its possession. But as it has not done the one by superseding you as postmaster, it will not do the other by giving you its reasons.

Very respectfully, your obedient servant,

AMOS KENDALL.

David Ridenour, Esq.,
Late Postmaster at Clearspring, Md.

In using this correspondence, sir, let me not be understood as intending, in any manner, to intermeddle with the district or home affairs of the honorable gentleman from Maryland, [Mr. Thomas.] We all have enough to do to take care of ourselves, and to attend to our relations with our own constituents. I leave him to his people. But I have to do with Mr. Kendall, and I am glad to have a witness so highly respectable and honorable as the gentleman from Maryland, of his own party, with whose testimony to confront and convict him of the most dangerous exercise of anti-republican, inquisitorial, and unconstitutional power, and of the basest and most jesuitical prevarication, amounting to falsehood.

The correspondence, sir, gives you the history and the evidence of all this guilt. This man, Mr. Ridenour, was appointed "at the instance" of the honorable gentleman from Maryland himself, to fill a vacancy in the post office at Clearspring, Maryland, caused by a removal in 1834. He has since been removed, without notice of charge or imputation against him by the Department in whose service he was. Blindfolded during the inquisition held upon his official conduct, he was removed without the opportunity of defence. On the 20th of April, he wrote to the honorable gentleman, at whose instance he was appointed, to inform him of the causes of his removal. He was answered, as you see, by the gentleman from Maryland, who I am glad has attested the veracity of the individual removed, in his letter dated the 25th of April. And what, sir, do you suppose was the heinous offence for which this man, without notice and without the opportunity of defence, was removed and attainted? The only specific charge which can be gleaned from the letter of the gentleman from Maryland—a letter purporting to assign the causes, drawn by a legal hand, acquainted with the requisites and gist of accusation and defence—the only specification is, "it was alleged that your language and deportment towards those with whom you differed in politics was such that it was unpleasant to hold intercourse with you as a public officer!" Angels of grace defend us! I suppose Amos is to learn his postmasters to bow with all the ease and elegance of a Parisian fop to the dainty customers who come to take out a letter between their fingers and thumbs after paying the postage. Mercy on the nice digits of that clean gentleman who could not afford "to hold" so much "intercourse with a public officer" as to take out his letter or his newspaper, and pay the piper! Ah! and it was not so very bad deportment or language either, but only so "unpleasant" to the squeamish complainants! Now, sir, I put it to the country if such cause of removal from office is to be tolerated? Well might the Postmaster General have been utterly ashamed to make known such a cause for proscription.

But it seems he did decline to act, at one period of complaint, in absence of proof. Then, be it remembered, his own appointment was not confirmed by the Senate. How he immediately acted after he was fully a Postmaster General, the letter of the gentleman from Maryland tells us. The honorable gentleman himself called on the Assistant Postmaster General, and the papers in the case were submitted to his examination, when the person implicated himself could not even obtain a peep at them. Now, sir, pray let me inquire by what authority it is that any member of Congress assumes, or is allowed to enter into an examination of causes for the removal of any executive officer? It is bad enough for the Executive itself to possess and exercise the power of arbitrarily removing the public officers, with or without cause, at will; but here, it seems, judgment was to be pronounced by the representative of the congressional district; or why did he, or was he, permitted to examine, unless it was to form an opinion upon the propriety and justice of removal in the case? Against all this, sir, I protest with earnestness. Here a member of Congress informs us, in effect, that he appointed and he removed. There are too many potentates, sir, for me, multiplying in the land. It is bad enough to be subject to the capricious wills of a President and a Postmaster General, but it is intolerable to have the independence of official station prostrated by this practical transfer of executive functions and authority to a deputy of the legislative department. Thus, sir, in receiving accusations against the man, and in trying him in his absence, without notice or hearing, and in giving both his appointment and removal to a member of this House, an odious inquisition was established, and a flagrant violation of the constitution and of official duty was committed by the Postmaster General. And by removing this man without other cause than that for "opinion's sake," violence was done to private and public justice, and to every principle of true republicanism.

But, sir, I adduce this letter more especially to show that there were complaints and accusations brought against this Mr. Ridenour, setting forth pretended causes of removal; and yet, when these causes were called for, or demanded, I should say, he received for answer, I presume, from the tenor of the reply, the letter of the Postmaster General of the 26th April, obviously implying, if not expressly asserting, that there had been no "attacks upon the character" of the removed; and, consequently, implying, if not asserting, a palpable falsehood! Yes, sir, taken alone, one would suppose that the letter of this kitchen king meant clearly to say: "There were no charges against you, sir; if there had been, you should have been furnished with all the means of defence; but I will let you know, sir, that I claim of my own good will and pleasure to 'supersede' a postmaster *ad libitum*, though his character be unsuspected and his official conduct unimpeached; and"—ending with an aphorism of patent democratic republican New

York democracy, "no man has vested rights in office," wholly regardless of a man's stake in a good reputation, he might have concluded, in imitation of the "God and liberty" of Santa Anna's self, with "Van Buren and the spoils!" And if this is, as I believe it is, his Majesty's meaning, it is as false and fatal, in my mind, as the direct falsehood that there were no imputations upon the man's character. What, sir, no imputation upon character to remove a man from a station of responsibility and of trust without making known the cause of removal! This might be expected from one who never did know how to estimate the worth or value of moral standing; but is it not considered by every man in this country who himself has respect for character, that there is something rotten in one's character who has been thought unworthy to serve by those put in office for the very duty of judging of the competency of men to fill your public offices? The estimation of character has sunk low, or the estimation of your higher officers has sunk still lower, if such is not the impression of the public mind; and if the judgment would not be, that charity, laudable charity, perhaps, in the Department, conceals the charge or cause from the public eye. And there is the evil of this outrage: if a jealous and strict regard to good character and official uprightness will not save a faithful officer in his place, what will? If the faithless and the faithful in public trusts are to be treated indiscriminately alike, how is public opinion to be formed? Where are the guards of public virtue, where the preventives of official vice? Certainly they will soon not be found in public opinion, because it will be perfectly at fault; no, sir, not at fault, for every man must become convinced that it is more honorable to be removed from office by such men as Amos Kendall than to serve under him. But that is a grevious evil in a republican Government of itself, that subordinate officers who have character must go out of office because the higher officers who come in have none.

But, besides the falsehood in fact and the falsehood in principle contained in this letter, I look with indignation at its audacious impudence and haughty insolence! Its tone and temper become this meek man Amos exceedingly! Is he who thus dares to add insult to injury not Amos Kendall still, though he be Postmaster General? Can the leopard change his spots, or the Ethiopian his—blackness? (Here some one said "skin.") No, not skin, blackness! I am speaking of the "intus," not the "cute." Verily, sir, the man must be mad, or he must imagine that we have all forgotten who he is, who thus dares to taunt public sentiment by his proud oppression. But it is natural, sir. I beg pardon; I never knew in my life a maid or man servant promoted from the kitchen to the parlor, but what he or she put on more airs than those who had been in the parlor all their lives.

His report proceeds to say:

"When a citizen leaves his home in the States, and accepts a clerkship in the District of Columbia as a permanent employment, he, in effect, surrenders all prospect of rising to the higher honors of his country, and even all hope of acquiring extensive wealth."

Now, sir, this I deny. The wary watchman of the current of honor or of wealth, as Amos in his own case has proved, can here better catch the tide which leads on to fortune than any where else; and if I mistake not, there be many of the officers of the executive departments of this Government, who are now laying the broadest foundations for the most "extensive wealth," and have already "the substance of things hoped for, and the evidence of things not seen!" Your public lands and your public money, if I am not as blind as a bat, are not devouring each other up; but, by certain "agents," are performing the most kindly and convenient offices of accommodation for each other!

Again, sir, he says:

"Faithful clerks have sometimes, though not often, been advanced to chief clerks; but probably no case has occurred since the organization of the Government, in which they have been promoted to the higher stations."

Now, sir, that word "faithful" has, in these degenerate times, two meanings. It is used, but rarely, however, in a virtuous acceptation; but in the common parlance of Washington city it is reputably used in the sense of party corruption. I heard a gentleman of "the party" say, the other day, that he knew of no two harder things in the world than "to get a good, i. e. a virtuously faithful officer into office, and to get a bad, i. e. a corrupt party faithful officer out." My life upon it, sir, "the faithful" clerks, *par excellence*, never fail to be promoted, or to get rich; if they do, it is their own fault, for I am sure they want not the opportunities. And Amos—modest man—again forgets that his own is a case which "has occurred since the organization of the Government, in which" one at least has "been promoted to the higher station" from the lowest degradation. But men thus promoted always remember to forget the low degree from whence they came, and despise the rounds of the ladder by which they climbed to eminence, power, and honor.

There was once a time when appointments were not made from "political considerations," but the question was asked—"Is he honest, is he capable, is he faithful to the constitution?" [Here Mr. **Beaumont**, of Pennsylvania, was heard to say, "that is what constitutes a democrat."] Yes, less than that constitutes a true democrat. I would leave out the word "capable;" but give me an "honest" man, "faithful to the constitution," and that sufficeth with me for his democracy. I will not require a man to be learned, in order to be right in politics, or in private life. The two qualifications alone are sufficient to make a good democrat, but a man must have all three qualifications to make a good officer. But now-a-days, each and every of the once valued attributes, honesty, capacity, and faithfulness to the constitution, totally disqualify a man for holding any office in the compass of "the party" patronage. Instead of asking now whether he is honest, they must know if he is a good spoils-monger—whether he is capable, if he is capable of being made a tool—whether he is faithful to the constitution, if he is faithful to the constituted authorities? Times have monstrously changed, and the monsters of the change are in nothing greater than in the meaning of the commonest words of the political vocabulary, since the days of Mr. Jefferson, who proscribed forty, I am told, during his administration, whilst no less than upwards of eight hundred were proscribed in the first year of the first reign of General Jackson. So much for the improvements of the age and the march of mind—the people will not say there is no matter.

As I am now done with Mr. Kendall's principles and practices for the increase of salaries, I will reply to an argument of the gentleman from New York, [Mr. **Mann**.] Sir, I think, with my friend from Kentucky, [Mr. **Harlan**,] and the gentleman from Massachusetts, [Mr. **Adams**,] that this argument that these salaries ought to be increased, because they are not equivalent or proportionate to other salaries of other Departments, is no argument at all, except, perhaps, to show that these other salaries ought to be reduced. I concur in the opinion that the subject of increase of salaries ought not to be touched until we take up all the salaries of all the Departments, and equalise them according to a uniform scale of labor and responsibility, and corresponding compensation. Every now and then some additional burden is imposed upon a particular clerk, or bureau of clerks, which is made the pretext for increase of pay, and that increase in turn becomes the argument for an increase of the compensation of others who judge themselves equally entitled; and thus, by legislating partially, or for particular persons, cases, or Departments, we keep up a constant race for equality of compensation, which ends in exorbitantly high salaries. The odd ends are constantly overtaking and passing each other, and the fable of the monkey who sat in judgment upon the cheese of the two cats becomes verified. He bites from the part of one, and then from that of the other, until all is consumed. The only difference here is, that "we, the people," are not biting, but bitten; for, according to this mode of legislating, we may consume the whole Treasury in the vain effort to equalise salaries, by raising the lower up to the even standard of those above. But this is one of the new inventions to spend your surplus revenue, and I suppose it is all "according to the views of the Executive."

I cannot forbear alluding to a most potent mode lately adopted, I believe, to force an increase of salaries. If any Department has recommended, as some of them have this session, or any of the clerks desire, as most of them always do, an increase of salary, you may have observed, sir, that there has been considerable and inconvenient delay in obtaining answers or reports upon calls either from the House or the committees for information. And when the information comes, you are sure to be jogged in memory with the old reason which is pleaded, and it is said ought to be removed—insufficient force upon inadequate pay. More mortar! more mortar! is the constant cry, and the workmen will not put what they have in the wall, because you do not give them more. Delay and inconvenience are used, whereby to force Congress to increase salaries; and clerks who can find time, perhaps, to write arguments in the form of colloquies, as long as that of master and student, for increase of pay, can scarcely eke out their copies of state papers which it is their duty to write.

Already, sir, the salaries of this General Government are so extravagantly high that you have the whole country looking up, like hungry hounds, most wistfully to its patronage. You hold up the baits to thousands of expectants, who gladly take the least crumb you graciously let fall, and who no sooner taste much or little of Treasury pap than they begin immediately to cry for more, like leeches for blood, or like frogs for rain! The disparity of State and federal salaries has already stripped the States of their consequence in distributing offices, and they are all overshadowed completely by your overweening bounty. Here is the great centre of attraction, and State service is of inferior grade, and has no "honorables." I lament the effect of all this. It is baneful. I mourn more especially its influence upon poor old Virginia. God help my mother State! I cannot admit that she has degenerated. No, sir, she is what she was; but the high bounties have caused a "scramble," as it is called; and in all scrambles, sir, the men of mere brute force, of scanty purses, and scampering principles, will prevail. Her nobler sons, permit me to say, will not forget the glory of their fathers whilst they sigh over their graves. There was once a time—that time is gone—when Virginia's jewels did not sigh for the fleshpots of the very kitchen. They were high patriots, and ambitious too, and their ambition sighed only for the highest prizes of emulation, far above the paltry pay of a party. I mourn, mourn in sackcloth and ashes, that now an "asterisk of the blue-book," one of the very "extras" of party bounty, can be elected to a seat in her Senate. Her Senate was never very distinguished, even in her palmy days, but it never saw the time when its reputation could not be sunk lower by such indignity as is now cast upon it by the Orange district. You will convert, I fear, all our legislative halls into "shambles," where human live stock will be bought and sold, like hogs, and bulls, and calves, upon the hoof.

Mr. THOMAS said he would not recognise the right of the House, and certainly must not be understood to admit, in what he should say, that any member of the House had either the right, or the power, to call on him to justify his conduct towards Mr. Ridenour. For that conduct he was responsible to his own sense of propriety and justice, and to his constituents alone. Nevertheless, as his letter had been read, he would take the occasion to say that there was no part of it which he desired to qualify in the least degree. He had acted deliberately on the principles contained in that letter; he would, under like circumstances, do what he had done again; and, moreover, he had no respect for any man who would, circumstanced as he had been in this case, have acted otherwise than he had done. Those who had taken the trouble to send this letter to the gentleman from Virginia, being probably the same persons who had impertinently forwarded to him certain proceedings concerning it, would be undeceived, if they had supposed that he was not prepared to vindicate the principles upon which he had acted, whenever and by whomsoever assailed. He never had cherished, and never would privately cherish, any motive of political conduct which he was ashamed, nay, was not willing, to proclaim publicly to be his, in any assembly in Christendom. The facts in this case are these:

About two years since, while Major Barry was Postmaster General, I received from him a letter, requesting me to name an individual to be appointed postmaster at Clearspring, in place of the then incumbent. This request being unexpected, I was not prepared to comply with it. My acquaintance in the town where the post office is situated was not such as to enable me to decide who would be best qualified, and most acceptable to the people of the district. To procure the necessary information, I wrote to a gentleman in that neighborhood (Dr. Wharton,) whose name appears in the proceedings referred to by the gentleman from Virginia, and asked him to recommend a suitable person. I desired to have selected a political friend, and expected that one of that class would be recommended by the gentleman whom I had consulted. He and myself had been then but recently elected by nearly a party vote in the Clearspring district, where our friends constituted a majority, one of us to take a seat here, and the other in the House of Delegates of the State. And I supposed that he would coincide with me in the opinion that, to an office about to be made vacant by the removal of a political friend, an individual of the same class ought to be appointed, if well qualified to perform its duties. Whatever may be thought of the liberality or justice of this sentiment in the abstract, I feel certain that no honorable man will contend that the national administration ought not to give a preference to its friends in Maryland, in all new appointments to be made there, provided the public interests are well protected and preserved. In no part of this Union has political power, party dominion, been felt more sensibly than in Maryland.

Knowing, as I do, the inexorable character of the proscription which has been practised by the whigs of that State, I have been filled with disgust, when the presses there, and their representatives in this and in the other branch of Congress, have countenanced and encouraged that coarse and bitter denunciation to which the national administration has been subjected, because it has removed public officers on account of their political opinions, or has given a preference, in original appointments, to its friends. The Postmaster General has declared—

"Appointments to the more honorable and lucrative stations in this Government have been heretofore, and will be hereafter made, chiefly from political considerations."

And this doctrine is said to be "abominable," and "odious." If this be true, the whigs of Maryland have covered themselves with obloquy, and ought not to hold up their heads, proudly, as equals, when associated with the national politicians, so called.

In 1826, a gentleman, now a Senator from Maryland, was called from this House to become the Governor of that State. In that capacity he acted for three years, and had the power, by and with the consent of the Executive Council, (wherein there was a majority of his political friends,) to appoint a host of civil and military officers annually. During the first year of his service, a few public officers were proscribed. In the two succeeding years the number was largely increased.

At the elections of 1829 there was a political revolution, and the party with which I am identified became predominant. All, or nearly all, the friends of General Jackson, who had been proscribed, were restored to office, and many of those who had most clamorously justified, and had profited by the proscription that had been practised, were made to feel the effects of the doctrines which they had inculcated. In 1830 the anti-Jackson party again triumphed, and a scene of indiscriminate, unsparing, inexorable, wide-spread proscription ensued. In the county in which I reside, more than two hundred public officers were turned out; or, to adopt the mild language of the whigs of Maryland, by whom the act was justified, were "left out" of office on account of their opinions, or to make way for those who were willing to fill the stations assigned them. No means have ever been adopted to ascertain, with entire accuracy, the number of persons proscribed on that occasion, but I have seen an estimate, in the accuracy of which I had entire confidence, from which it appeared that not less than two thousand friends of Jackson in Maryland, in 1830-'31, were proscribed by the State Executive. It may be, indeed it is probable, that the highly respectable gentlemen, who discharged these executive duties at the period referred to, took no delight in the work; but the effects were the same as they would have been if the actors in these scenes had scalped their political enemies with peculiar pleasure. The friends of the present Chief Magistrate were, every where, driven from office, and proscribed, (generally, not universally.) They have endured for years a hail storm of persecution for opinion's sake. They have been hunted by the terriers of party, like wild beasts of the mountains, from brake to bramble. But, sir, it is with pride and pleasure I proclaim that they have not filled the land with weeping and wailing. They have uttered no complaints to excite public sympathy. They have not begged for quarter. No, sir; year after year, election after election, they have repaired to the polls; have contended boldly, cheerfully, with their adversaries for mastery, with a full knowledge that the odious, hateful, aristocratic constitution of Maryland gave to the party in power every advantage. Yes, sir, and the republicans of Maryland will "stand up to the work," will carry on the contest from generation to generation, until my own native State is "redeemed, regenerated, and disenthralled."

Amidst the exacerbation and excitement which the state of things thus rapidly reviewed was well calculated to produce, I came into Congress. From this high position I could have commenced a courtship with my political opponents, and possibly by so doing might have so far conciliated them as to have secured for myself a seat in this House without contest. Of this I am proudly incapable. I desire to share the fate of my political friends. Their foes shall be my political foes. Their wrongs will excite in my bosom a resentment as warm as could be engendered by an injury to myself in person; and whilever and wherever I have political power, it shall be fearlessly exerted to insure for them equal and exact justice, a fair participation in the privileges and advantages due to the whole people. I repeat, I envy neither the heart nor the head of any man who will not concede that my course in the case under review, and my avowed purpose to prefer a political friend to a political opponent, in like instances, is correct. But to return to the statement I was making.

In reply to my letter, Dr. Wharton recommended the appointment of the individual who has been removed; and, in the full expectation that his appointment would be acceptable to those whose wishes I desired especially to consult, he was recommended to Major Barry, and was appointed. Soon after the appointment was made, several highly respectable citizens, immediately interested, applied to me to have Mr. Ridenour removed, alleging that he was particularly obnoxious to all the friends of the administration of his neighborhood, and to many of its opponents. This I refused to do, not because, if strict justice had been done, Mr. Ridenour had a right to be exempted from that proscription for opinion's sake which he assists his friends to practise in Maryland; but I forbore to act, in a spirit of magnanimity, in the hope that he would, by his courteous deportment, conciliate the good will of all concerned. This expectation was not gratified. Repeated complaints were made to me on account of his rude and insulting deportment towards those with whom he differed in politics, when they, on business, called at the post office. It is not pretended that deputy postmasters, or a subordinate in any other Department, should servilely copy and adopt the opinions of those who administer the Government; neither is it maintained that official incumbents shall basely cringe or fawn upon those from whom they receive appointments, or become supercilious to the people with whom they are to hold intercourse.

But it is insisted, decidedly, that no subordinate officer has a right, when holding official intercourse with any portion of the people, to insult, wantonly, their feelings, by coarse personal denunciations of the public men for whose patriotism and public services the whole country owes a heavy debt of gratitude. If deputy postmasters entertain such personal contempt for their superiors in office, that they cannot avoid giving vent to it long enough to hand a letter or a newspaper to a customer, let them show that they have more self-respect than love for office, and resign. No spirited overseer, no negro-driver of the South, will hold employment for mere love of power or emolument, if he entertains no respect whatever for his employer. Liberal and enlightened men love to tolerate freedom of speech and freedom of opinion; but no one ought to sympathize with or countenance that intolerance and bigotry which make men denounce as knaves or fools all who differ with them as to the means best calculated to promote the public welfare.

Contrary to my hopes and expectations, the removed postmaster became more and more obnoxious, until a public meeting was held at Clearspring, in the summer of 1835, at which resolutions were adopted recommending his removal. The proceedings of the meeting, signed by a large number of persons, whom I know to be highly respectable and influential citizens, were forwarded to me, to be transmitted to the Postmaster General. This I declined doing. The proceedings were returned through the post office to the committee from whom I had received them, and the hope was still cherished that the proposed removal would become unnecessary; but the conduct of Mr. Ridenour, or his friends, frustrated these expectations. Soon after the proceedings were returned, I have been informed that several persons who had attended the meeting were subjected to taunts and gibes of a provoking character. Persons who called at the store of Mr. Ridenour for their letters and newspapers were directed to go to the store of the gentleman who had been recommended by the meeting to be placed in the office which Mr. R. held; and others who sent to the post office for papers, received therefrom, instead of the papers they had a right to expect, newspapers of an old date, that had been laid by as useless lumber. At that time, the infatuation which led to these foolish jests was unaccountable. Since the proceedings have been published, to which the gentleman from Virginia has referred, I think a clue to them may be found. It is there stated that I had refused to recommend the removal of Mr. Ridenour, unless Dr. Wharton would approve the measure. This is not so. I gave no such pledge. It is probable that an inference of that kind was drawn from what I did do, and that inference may have induced that infatuated and ridiculous conduct which was increased greatly by Mr. R's continuance in office. In a letter which accompanied the proceedings of the meeting returned by me, I had requested a gentleman to call on Dr. Wharton, and ask him to do me the justice to explain how and why Ridenour had been appointed; for until then, I had not made known to the public the agency of that gentleman in the matter. He had been named by his friends as my competitor for a seat in Congress, and I was not willing to throw upon him any part of the responsibility of making an unpopular appointment, before the congressional convention at Hagerstown had nominated me for re-election, lest it should be said that I dreaded his competition, and desired to lessen his influence to secure my own nomination. After my nomination had been made, and he had declined being a candidate, I felt no such restraint, and referred a gentleman to him for information. The same gentleman requested the Doctor to sign a memorial recommending Ridenour's removal, which he refused to do; and from this circumstance, I presume, originated the belief that without Dr. Wharton's signature, no memorial to the Postmaster General would be effectual. Whether this erroneous impression was thus derived or not, it is very probable that it was one of the sources, if not the chief source, of that unbecoming conduct of Mr. Ridenour, or his friends, that has been mentioned.

The opinion seems to have prevailed that he would not and could not be removed, unless Dr. Wharton gave his assent to the measure, and he and his friends, instead of a magnanimous forbearance towards those whose attempts had been defeated, practised those insulting jests and taunts which alone would have fully justified the proceedings of the Postmaster General. Another memorial to Mr. Kendall, accompanied by letters furnishing the facts that have been here given, was forwarded to me, to be sent to the Post Office Department. It was forwarded, and has been treated as mentioned in my letter that was read to the House by the gentleman from Virginia.

This is the second time that I have been compelled to trouble the House with explanations concerning matters of which it has no cognizance. Reluctant as I am to engage in these unprofitable and idle discussions, they could not be avoided, unless I was willing to be misunderstood by honorable men here, and have my motives misrepresented before my constituents.

Mr. **HARLAN** then moved to reduce the salaries proposed in the amendment, according to a schedule prepared by him, according to the now established rate of salaries, with the exception of allowing watchmen four instead of three hundred dollars per annum.

The question was divided, so as to vote first upon all the salaries except that of watchmen.

The yeas and nays having been ordered, the question was taken upon the first part of Mr. Harlan's proposition, and decided in the affirmative: Yeas 84, nays 60.

Mr. **HALL**, of Maine, moved the previous question.

The **SPEAKER**, being inquired of, said the previous question would apply to the passage of the bill, and would cut off all amendments not adopted by the House, and the section under consideration also, as it had not been finally concurred in.

Mr. **HALL** then withdrew his motion.

Mr. **LANE** renewed it.

Mr. **ANTHONY** moved a call of the House; which was lost.

The motion for the previous question was then rejected.

Mr. **ADAMS** suggested a further modification, which was accepted by Mr. Harlan, to give to the messenger, $700; to two assistant messengers, $400 each; to one, $350; and to the two watchmen, $350; and, with these modifications, the section was finally agreed to.

The 46th section, having been adopted in the Committee of the Whole, was next taken up, as follows:

"Sec. 46. *Be it further enacted*, That the following annual salaries shall be allowed to the Auditor of the Post Office Department, and to the clerks and messengers herein provided for the service of his office, to be paid as aforesaid, viz:

"To the Auditor, $3,000.

"To the chief clerk, $2,000.

"To the four principal clerks, each $1,700.

"To ten clerks, each $1,400.

"To twenty clerks, each $1,200.

"To eight clerks, each $900.

"To the messenger, $900; and to the assistant messenger, $600."

On motion of Mr. **HARLAN**, the section was amended so as to give the following salaries, viz: To the Auditor, $3,000; to the chief clerk, $1,700; to the four principal clerks, each $1,400; to ten clerks, each $1,000; to twenty clerks, each $800; to eight clerks, each $600; to the messenger, $700; and to the assistant messengers, $450; and, as thus amended, the section was concurred in.

Mr. **MANN**, of New York, moved an additional section, providing that the act shall take effect from and after the 1st of July next; which was agreed to.

Mr. **UNDERWOOD** renewed his motion, previously made in Committee of the Whole, in relation to boxes and pigeon-holes in post offices, and providing that boxes shall be put, and individuals using them shall pay one dollar annually to the use of the Government.

After some remarks by Messrs. **McKIM, HAWES, WHITTLESEY, HOWARD, UNDERWOOD, G. LEE**, and **PHILLIPS**, the question was taken, and decided in the affirmative, 67 to 60.

Mr. **PARKER** moved an amendment, providing that "all letters or packages sent by such express mail shall be post paid."

Mr. **ANTHONY** called for the previous question; and the question being taken, the vote stood, yeas 69, nays 40; not a quorum.

A motion to adjourn was made and negatived.

Mr. **WARD** requested that the motion for the previous question might be withdrawn, in order that the House might consider and act upon the subject of the salaries of postmasters. By the adoption of the amendment of the gentleman from Kentucky, [Mr. Underwood,] the income of their offices in all the principal cities would be materially reduced; and it was necessary, in order to do justice to them, to adjust their compensation anew.

Mr. **ANTHONY** declined to withdraw.

The question was then taken on seconding the previous question, and the call was sustained.

After which, the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. **CONNOR**, the House then took up the bill to establish certain post routes, and concurred in the amendments made in Committee of the Whole; and also adopted several other amendments proposed by the Committee on the Post Office and Post Roads, and by several members of the House; after which, the bill was ordered to be engrossed for a third reading.

The House then adjourned.

Thursday, June 2.

ADDITIONAL PAYMASTERS.

Mr. R. M. **JOHNSON** asked the consent of the House to move to go into Committee of the Whole, for half an hour only, on the bill to provide for the appointment of three additional paymasters of the army.

Objection being made, Mr. J. moved a suspension of the rule; which was lost.

Mr. **McKAY** moved to set apart to-morrow, from 11 till 12 o'clock, for the same purpose. Lost.

HOSPITAL AT OCRACOKE BAR, N. CAROLINA.

Mr. **SPEIGHT** rose to ask the House to take up the bill to establish a marine hospital at Ocracoke bar, in the State of North Carolina. He would, with the indulgence of the House, state that this was not only of importance to the State from whence he came, but to the whole country, and particularly to the Northern States. Owing to the northeasterly winds which prevailed in that section, and the obstructions to our navigation, vessels were not unfrequently detained for weeks. This was in the sickly season; and, for want of comfortable quarters, a great many seamen died. He stated that there was not a point in the United States where an hospital was more needed than at this place.

The motion was objected to; and a motion by Mr. S. to suspend the rules for the purpose was lost.

POST OFFICE DEPARTMENT.

The engrossed bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts of the same, was read a third time.

Mr. **JOHNSON**, of Louisiana, moved to recommit the bill to the Committee of the Whole, with a view to a particular consideration of the section relating to boxes and pigeon-holes at the larger post offices. He referred to the effect of the section in reducing the compensation of postmasters, and said it would have a disastrous effect, among others, upon the postmaster at New Orleans. When the proposition was made to cut off this source of income, it was said that, after it was cut off, the salaries of the postmasters would be properly and probably raised, but that had not been done; and he felt it to be his duty to make the motion.

Mr. **CONNOR** hoped the gentleman would withdraw the motion, and allow the bill to go to the Senate, where, no doubt, proper provisions would be made. It was a long bill, of forty-five sections, and could not be properly arranged in Committee of the Whole.

Mr. **CAMBRELENG** supported the same proposition.

Mr. **LAWRENCE** said he voted for the amendment, upon the expectation that the committee would immediately report a bill to raise the salaries of postmasters in the large cities. He knew well that $2,000 was not an adequate sum for postmasters; and if the salaries were not raised, he should be forced, perhaps against his judgment, to go back to the old system.

Mr. **REED** hoped the House would not consent to go back to the old system.

Mr. **MANN**, of New York, alluded to the time that had been spent already upon the bill, and hoped it would be allowed to go to the Senate, when it could be properly amended by the Senate's committee.

Mr. **BELL** observed that the House were about to pass a bill with which they themselves were dissatisfied, knowing it to be imperfect, but on the presumption that the Senate would amend it. He thought that a very improper mode of legislation. The House had no guarantee that any such amendments would be made by the Senate; and he thought gentlemen had made the suggestion without much reflection. The House ought never to pass a bill which all would agree was imperfect, but should spend the necessary time to amend it.

Mr. **JOHNSON** then modified his motion, so as to commit, with instructions to strike out the forty-fifth and forty-sixth sections, or to increase the salaries of postmasters in the several large cities and towns in the United States.

Mr. **MASON**, of Virginia, inquired if the committee would be confined to the instructions, or whether they could take up and amend other parts of the bill; and upon being answered that the committee would be bound by and confined to the instructions, he said he should vote for the recommittal. He was opposed to the section, because he thought it would operate much injustice.

Mr. **PEARCE**, of Rhode Island, went into statements to show that the salaries in several cities would be wholly inadequate to support a competent postmaster, and that some of the postmasters in minor offices, if deprived of their perquisites, would suffer severely in the public service.

Mr. **BRIGGS** hoped the House would not now take up the subject of increasing salaries. It would be almost impossible to do it with justice, with the information now in possession of the House. He hoped the sections would be stricken out, as a monstrous encumbrance to the bill, and that the subject would be more deliberately acted upon hereafter.

Mr. **EVERETT** was opposed to the instructions, and was not willing to increase the salaries of postmasters. He thought, as all of their clerks and office expenses were provided for by the Government, and as very small talents were required, and the postmaster was a mere supervisor, there would be an abundance of applications from competent persons to obtain the offices, even at $2,000 salary. That salary he thought enough; at any rate, he wished the experiment to be tried at the present salaries, as the bill then stood. There was no office in the country which required so small a modicum of knowledge, and he thought $2,000 per annum an ample compensation for the services.

Mr. **GRENNELL** said he did not feel the alarm expressed by some gentlemen at the operation of this bill. He complained of the imperfect information frequently given to the House; and when upon that the House have matured a measure, at the last moment, some head of a Department or of a bureau would send in information to show that all had been wrong in the understanding of the House. He hoped, though he made no motion, that the operation of the bill, at least in regard to these sections, would be postponed, so as to enable the House to receive further information, and to examine the subject understandingly. He was opposed to going back to the old system.

Mr. **REED** moved an amendment to the instructions, providing that the bill shall be so amended that these sections shall take effect on the 4th of March next. He said that would give time for proper reports to be made, and at the next session the subject of the salaries might be properly regulated, while this evil practice would be suppressed.

Mr. **UNDERWOOD** defended the sections. He thought the salaries were sufficiently large; but if they were not, they could be raised. He was opposed to having five and ten thousand dollars a year extorted from the people, more than is allowed by law; and he hoped the operation of the sections would not be postponed a moment, in order to continue the practice.

Mr. **WISE** read the law of extortion, and said this practice came under the definition, and was clearly an indictable offence, punishable with fine and imprisonment, and removal from office. It was extorting money from the people under color and by virtue of office; and when it was known to have existed to so monstrous an extent, he wanted to know why the Government had not instituted prosecutions to punish and suppress it? He said these were bad times, when extortions were not merely tolerated, but when it came up with a bold front and demanded to be sanctioned by law. He referred to the example as well as the effect, and said, that while the salaries of collectors of the customs were less than these exorbitant receipts of postmasters, it would not be long before they would devise some mode of extortion equally efficacious and equally liable to be sanctioned by the Government. Receivers of moneys for public lands, clerks of departments, and even legislators, would follow in the train of corruption to get their fees and rewards. After alluding to many corrupt practices, which, he said, were carried out, or begun to be carried out, by the present administration, he said he wanted the whole understood and ripped up from the foundation. He contended that the salary of $2,000, was sufficient in New York; but if it were not, the salary should be raised, rather than this crime should be allowed and sanctioned by law, and that the effect of the crime, and the example of the crime, should be legalized. He examined the salaries of judges and officers in Maine, none of whom received so much as $2,000, and said that the average of income of respectable lawyers in New York would not amount to that sum. He hoped the sections would not be stricken out, because, if some evils might arise, he knew of none that could be so great as those of the practice which they would correct.

Mr. **LANE** argued at length to show that this case was not analogous to cases of fraud and extortion; and defended the practice as one of equal convenience to the postmaster and the community. It was a matter of fair bargain, and there was no compulsion, or extortion, or corruption, involved in it.

Mr. **JENIFER** did not think the bill, as it is, would operate injustice to the postmasters, which some members anticipated. He thought the practice an abuse, and wished it discontinued, though he was willing to pay postmasters fair, adequate salaries, and let the people see that they did their duty.

Mr. **SPEIGHT**, after a few remarks, called for the previous question.

The **SPEAKER** said the main question will be, "Shall the bill pass?" cutting off the motion to commit.

The previous question having been seconded—yeas 67, nays 57—the question, Shall the bill pass? was put, and carried in the affirmative, without a division.

INDIAN ANNUITIES, &c.

Mr. **CAMBRELENG** remarked that the "fortification bill" was properly the first in order, but there was another bill, for "Indian annuities," returned from the Senate with some important amendments, which was much more urgent than any other, and which he hoped would be taken up.

Mr. **EVERETT** hoped the bill would be postponed till to-morrow, inasmuch as it would bring up a debate, and the necessary documents had not all come in, in relation to the origin of the Seminole war.

Mr. **CAMBRELENG** would merely state that this bill was sent to the Senate two months ago, and remained there unacted upon until the War Department wrote and urged the Senate to act upon it. If, however, a discussion was to arise respecting the origin of the Seminole war, the sooner it was brought on the better. The people of Georgia, Alabama, and Florida, were suffering for want of the passage of this bill. He moved, therefore, that the House resolve itself into a Committee of the Whole on the state of the Union; which was agreed to, and

The House accordingly went into Committee of the Whole, (Mr. Smith in the chair,) and proceeded to the consideration of the amendments of the Senate to the bill "making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836."

The following amendments of the Senate were agreed to without a division:

1st. "For the payment of a clerk in the office of the superintendent of Indian affairs for the Territory of Wisconsin, $800."

2d. "For the payment of interest on an annuity on $1,000 to the Cherokees, by the treaty of the 24th of October, 1804, and which was not paid till the year 1825, $12,600; which sum shall be paid in the same manner and in the same proportions, to the Cherokees east and west of the Mississippi, that the annuity itself is payable."

3d. "*Provided, however,* That no part of the appropriation for the Florida Indians shall be paid to any Indians who have been engaged in hostilities against the United States, unless in such change of circumstances as may induce the President of the United States to direct the same to be paid."

The fourth amendment of the Senate was to increase the item for "locating reservations, and certifying contracts, under the treaty with the Creeks of the 24th of March, 1832," from $7,000 to $14,000.

Mr. **BELL**, from the Committee on Indian Affairs, moved to disagree to this amendment, and entered into a minute explanation in relation thereto.

After some remarks from Messrs. **LAWLER, GLASCOCK, HAYNES, TOWNS, CAMBRELENG, OWENS, BELL,** and **LEWIS**,

Mr. **LEWIS** moved an amendment to the Senate's amendment, authorizing the President of the United States to appoint additional agents for certifying and for investigating frauds, if he shall deem it necessary.

The amendment was discussed by Messrs. **BELL, McKAY, ASHLEY, GLASCOCK, LEWIS, LYON, HAWES, TOWNS,** and **OWENS**.

At the suggestion of Mr. **BELL**, both amendments were passed over for the present, and the committee proceeded to the consideration of the other amendments, some of which were concurred in.

On motion of Mr. **BELL**, the committee rose and reported progress.

The Speaker having resumed the chair,

On motion of Mr. **BELL**, the bill was made the special order of the day from the hour of 12 o'clock to-morrow.

The House then adjourned.

Friday, June 3.

TIME OF MEETING OF CONGRESS.

A bill from the Senate, proposing to change the time of the meeting of Congress, and to fix a day for the adjournment of the long session, was read the first and second time.

[This bill proposed that Congress should assemble on the first Monday of the month of November in each year, and that the adjournment of the first session should take place on the second Monday in May, unless the two Houses should otherwise provide.]

Mr. WHITTLESEY, of Ohio, moved that the bill be referred to the Committee on the Judiciary.

Mr. WARDWELL said, unless some very good reasons were offered why the bill should be committed, he hoped it would be considered at once. For himself, he could see no necessity for committing it at all.

Mr. SPEIGHT hoped it would be committed, or at least, if it did pass, he hoped it would undergo some alteration. He moved that the bill be referred to the Committee of the Whole on the state of the Union.

After some remarks from Messrs. MERCER, WHITTLESEY of Ohio, GLASCOCK, and McKENNAN,

Mr. WHITTLESEY and Mr. SPEIGHT, respectively, withdrew their motions.

Mr. VANDERPOEL moved that the House then take up the bill.

Mr. PATTON moved to lay it on the table. Lost.

Mr. MANN, of New York, moved to postpone it till Thursday next. Lost.

Mr. GILLET said he was in favor of the principle of the bill, which anticipated an earlier meeting of Congress and a much earlier adjournment of the long session. Our sessions were clearly extended too late in the season for the health of the members, or the proper despatch of public business. Our meeting is at a time extremely injurious to the health of those who come from a great distance. The constitution gives us the power of fixing the time of meeting, but leaves the question of adjournment untouched. Now, though he was favorably impressed with the proposition to meet earlier, he had strong doubts whether we have, by the constitution, the power to prescribe to our successors the time at which they shall terminate their labors. It was his impression that the constitution contemplated that each House should judge for itself. It prescribes, in case of disagreement, that the President may adjourn Congress to such time as he shall see fit. His mind had been brought to the conclusion that each Congress must judge for itself as to its time of adjournment. But he might be wrong, and he wished the opinion of the Judiciary Committee on that point. If he was wrong, and should be convinced of that fact, he should cheerfully vote accordingly. That committee might give us an argument which should set him right. Until then, he must follow the convictions of his judgment, and vote against the bill. He could not consent to attempt to control future Congresses. They will be accountable to the people, and they ought not to be so shocked as not to be fully responsible for all their acts. If they should be adjourned by this law without transacting the public business, they would charge the fault upon this Congress. In order to have this subject fully examined and properly understood, he therefore renewed the motion to commit the bill to the Committee on the Judiciary.

After some further remarks from Mr. R. M. JOHNSON,

Mr. BRIGGS inquired of the Speaker if it would be in order to move to amend the bill by striking out that clause which prescribes the day of adjournment of the long sessions?

The SPEAKER said that the motion would not be in order pending the present motion to commit to the Committee on the Judiciary.

Mr. BRIGGS said the bill contained two propositions: one fixing the first Monday of November for the annual meeting of Congress, and the second Monday of May for the adjournment of the first session of each future Congress. As he believed the House was now prepared to act upon the subject, he hoped the motion to commit would not prevail. He was in favor of the first part of the bill, but opposed to that part of it which undertakes to fix the day of adjournment of a future Congress, because, in his opinion, it came in direct conflict with the third section of the second article of the constitution of the United States. By that section of the constitution, if the two Houses of Congress "shall disagree with respect to the day of adjournment, the President may adjourn them to such time as he shall think proper." The bill declares that such adjournment shall take place on the second Monday of May, unless the two Houses, by joint resolution, shall fix upon a different day. Should both Houses be opposed to that day, by force of this law that must be the time; though, by the constitution, the President, in case of such disagreement, has the power to fix the day. This law, in such a case, takes away this clear and explicit constitutional right of the Executive. For this reason, he was opposed to that part of the bill. He hoped, however, the House would proceed at once to act upon the subject; strike out the last clause, and pass that part of the bill which fixes an earlier day for the future meeting of Congress.

After some remarks from Mr. VANDERPOEL,

Mr. THOMSON, of Ohio, called for the orders of the day.

Mr. VANDERPOEL moved to suspend the rules till twelve o'clock, for the purpose of proceeding with the consideration of this bill; which was agreed to without a count.

The bill was then taken up, and, on motion of Mr. OWENS, read through by the Clerk.

Mr. PATTON briefly opposed it, and Mr. HARDIN made a few remarks in support of it; when

Mr. VANDERPOEL said that his colleague [Mr. GILLET] had moved to refer the bill to the Judiciary Committee, and he hoped that that motion would not, in any event, prevail; as every gentleman was, no doubt, now ready to vote finally on the bill; and he would ask the Chair what the main question would now be, if the previous question were ordered?

The CHAIR replied that the main question would be, whether the bill should be ordered to be engrossed for a third reading.

Mr. VANDERPOEL demanded the previous question, which was seconded by the House--taken by tellers: Yeas 90, nays 39; and the main question was ordered to be put without a count.

Mr. SPEIGHT asked for the yeas and nays on the main question; which were ordered.

The main question, on ordering the bill to a third reading, was then taken, and decided in the affirmative: Yeas 119, nays 66. So the bill was ordered to a third reading.

Mr. ADAMS moved to recommit the bill to a select committee, with instructions to strike out that part of it referring to the time of the adjournment of Congress, as he deemed that provision to be unconstitutional.

Mr. BELL moved to amend the instructions, by providing that the bill be further amended, so as to limit the commencement of Congress on the first Monday of November to the second session only, or every other year.

Mr. TOUCEY contended that the provision prescribing the time of adjournment was at variance with the constitution, and totally conflicted with the fifth clause of that instrument. It was a clear, palpable, manifest violation of the constitution. Moreover, he was unwilling that the House of Representatives should put themselves within the control of the Senate, a smaller body, which would be the effect of the passage of this bill.

Mr. SPEIGHT also opposed the bill. He said the very time of meeting (in November) was, of all other seasons in the year, the most important for the Southern farmer. He also took the ground of the unconstitutionality of the second provision of the bill, in reference to the day of adjournment.

The hour of twelve having arrived, the special order was announced by the Chair.

Mr. R. M. JOHNSON moved a postponement of the same for one hour, for the purpose of continuing the consideration of the subject then pending; which was agreed to: Yeas 123, nays not counted.

Mr. SPEIGHT concluded his remarks in support of the motion to recommit.

Mr. WILLIAMS, of Kentucky, was opposed to the bill, and had so shown by his vote. It was evident, however, that a very large majority of the House were in favor of it; and as there would therefore be no use in a lengthy discussion, he demanded the previous question.

The previous question was seconded by the House. Yeas 80, nays 59; and the main question was ordered to be put without a count.

Mr. SPEIGHT asked for the yeas and nays on the main question; which were ordered.

The main question being on the passage of the bill, it was then taken, and decided in the affirmative: Yeas 101, nays 81. So the bill was passed.

POTOMAC BRIDGE.

A message was received from the President of the United States, on the subject of the damage sustained by the Potomac bridge; and was read, as follows:

To the House of Representatives:

I herewith transmit a report from the Secretary of the Treasury, in relation to the injuries sustained by the bridge across the Potomac river during the recent extraordinary rise of water, and would respectfully recommend to the early attention of Congress the legislation therein suggested.

ANDREW JACKSON.

WASHINGTON, *June* 3, 1836.

To the President of the United States:

The undersigned would respectfully report that, early yesterday morning information was received that, from the extraordinary height of the water in the Potomac river, caused by the recent protracted storm, great quantities of flood wood, and the large mud machine and scows employed near Georgetown, had been drifted against the Potomac bridge, and were much endangering its safety.

Though his power over the bridge, since reporting its completion, in most respects, to Congress, last December, was considered doubtful for this purpose, yet, as no law had since passed authorizing any other person to assume the charge of it, the undersigned did not hesitate, under the urgent circumstances before named, to take immediate steps for its preservation. Men were employed, with suitable means, and all the exertion used which the violence of the freshet would permit, to remove the boats and other substances which threatened most damage.

But notwithstanding every effort, considerable injury in the course of the day was caused near the southwestern draw, not far from which the machine and scows had lodged, and some slight damage was done elsewhere, so that the bridge cannot be again passable without repairs.

The engineer now attending to the bridge estimates that the balance of the old appropriation to build it, which is still unexpended, would, if made applicable to this purpose, be sufficient to put the bridge again in good condition.

Considering the importance to this city, and the adjoining country, of the passing over the bridge being speedily restored, and the doubts whether this balance can be so applied, and by whom, without some new and special authority from Congress, it is respectfully suggested that the attention of that body be immediately invited to this subject; and, as heretofore recommended, that the charge of the bridge, including these repairs, be placed under the superintendence of the Commissioner of the Public Buildings, rather than of the Treasury Department.

LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT, *June* 3, 1836.

Mr. W. B. SHEPARD asked and obtained leave to introduce the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to have all repairs made to the bridge across the Potomac river, which have become necessary from the late flood, and that the expenses of said repairs be paid out of the money heretofore appropriated for the erection of said bridge, and which is now in the Treasury unexpended.

The resolution was twice read, and, after some remarks from Messrs. MERCER and SHEPARD, it was ordered to be engrossed and read a third time this day.

INDIAN ANNUITIES, &c.

In execution of the special order of yesterday, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. SMITH in the chair,) and resumed the consideration of the bill "making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836."

The bill had passed the House some time since, and was returned from the Senate with sundry amendments.

The question pending was the motion of Mr. BELL, from the Committee on Indian Affairs, to disagree to the Senate's amendment increasing the item for "locating reservations, and certifying contracts, under the treaty with the Creeks of the 24th of March, 1832," from $7,000 to $14,000.

Mr. LEWIS had yesterday moved an amendment to the Senate's amendment, authorizing the President of the United States to appoint additional agents for certifying and for investigating frauds, if he should deem it necessary.

Mr. LEWIS withdrew his amendment.

Mr. BELL produced a document from the War Department, stating that $7,000 would be sufficient for the purposes of the object to be accomplished.

The amendment of the Senate was then disagreed to.

The ninth amendment of the Senate was then read, as follows:

"For the removal of Creek Indians, and their subsistence for one year, including subsistence of those recently removed, in addition to the balance of one hundred and fifty-five thousand dollars of former appropriations, three hundred and forty-eight thousand two hundred and thirty dollars."

"For the removal of Seminole Indians, and their subsistence for one year, in addition to a balance of thirty-three thousand dollars of former appropriations, one hundred and fifty-eight thousand four hundred and thirty-seven dollars and fifty cents."

Mr. BELL, under instructions from the Committee on Indian Affairs, moved that the Committee of the Whole House agree to this amendment, with the following amendments:

Before the word "Creek," in the first line, insert "twenty-one thousand."

Strike out "three hundred and forty-eight thousand two hundred and thirty," and insert, in lieu thereof, "one million and twenty-three thousand five hundred and fifty."

Strike out "one hundred and fifty-eight thousand four hundred and thirty-seven dollars and fifty cents," and insert, in lieu thereof, "one hundred thousand dollars."

Mr. EVERETT proposed a substitute for the above, to come in after the Senate's amendment, as follows: "Under the 12th article of the Creek treaty of 1832, and for holding treaties with the hostile Indians east of the river Mississippi, and to their removal west of that river, $675,330." Mr. Everett said he had not expected to address the House on any subject connected with our Indian relations until a few days ago. The inquiry into the causes of the Indian hostilities had been brought before the Committee on Indian Affairs, and the papers relating to it had been referred to him for examination. He had intended before the close of the session to present his views in the shape of a report. When, however, this amendment was adopted in that committee—an amendment placing at the disposal of the Executive more than a million of dollars, for the removal of the whole Creek nation by force, in violation of an existing treaty—he had felt himself compelled to change his purpose, and to present his views to the House whenever that amendment should be considered. Should that pass, a report would be to but little purpose.

He regretted that this extraordinary appropriation should have been attached to an ordinary appropriation bill. It placed him in the dilemma of being charged with obstructing the passage of the bill, of the urgency of which no one was more sensible than himself; or with the responsibility of permitting a measure to pass in silence, which, in his conscience, he believed to be repugnant to our most sacred obligations, and of the most hazardous tendency. He had desired that this appropriation should have been reported in a separate bill. Had it been so, this bill would have passed as soon as it was reported, and all delay would have been avoided. He did not, therefore, consider himself responsible for the delay. This was not the first time that important measures had been attempted to be carried through on the back of a general appropriation bill. The House was sufficiently forewarned of the consequences. The blame would rest on those who first interposed the obstacle. Mr. E. said, the country being in fact in a state of war, without stopping to inquire by whose fault we had become involved in it, he had voted for every appropriation asked for defence, and as soon as it was asked. But the present question relates to the future, and to consequences which demand that it should not pass without investigation.

Mr. Everett requested the Clerk to read the 12th article of the Creek treaty of the 24th of March, 1832.

"Art. 12. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and, for this purpose, it is agreed that, as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes: Provided, however, That this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please."

This, Mr. Chairman, is the obligation we have assumed; this is the right we have guarantied to every Creek Indian—to go or stay, as he pleases. To render this right of value, to enable the Creeks to subsist themselves where they were, if they choose to remain, the treaty secured to ninety principal chiefs, each, 640 acres of land, and to every other head of a Creek family 320 acres. These reservations are their homes, on which they are entitled to remain. But from these it is now proposed to remove them by force.

The amendment proposes to remove 21,000 Creeks; that is the estimated number of the whole nation. It does not, in terms, propose to remove them by force; that purpose is, however, avowed explicitly in the letter of the Secretary of War to the committee, asking for the appropriation; and if the appropriation be granted, the Executive will consider himself authorized to use it, and will use it for the purpose for which it was asked. This letter is dated on the 19th of May, and states: "The state of affairs among the Creek Indians in Alabama has induced the President to direct the necessary measures to be taken for their removal. Heretofore, the instructions have been in conformity with the treaty—to remove them as they were voluntarily prepared to go. But actual hostilities have commenced, and it is essential to their existence, as well as to the safety of the settlements in contact with them, that they should be established in their country west of the Mississippi, without delay. The right to remove them by force, if necessary, results from the attitude in which they have placed themselves, by the commencement of hostilities," &c.

Here, then, Mr. Chairman, is our treaty obligation on the one hand, and the power claimed on the other. On what ground is it claimed? It can be claimed only on the ground that the treaty is dissolved by a war on the part of the Creek nation. An act of hostility by an individual, or one of the bands of the tribe, would not have that effect. No, sir; it must be a war between the Creek nation and the United States; that only would dissolve the obligation of the treaty; and before this House sanctions the exercise of this high power—this war power, of removing the whole Creek nation by force—it should be satisfied that the Creek nation has made war upon us, as a national act. On what evidence is this House called upon to act? On a letter from the Secretary of War to a committee, stating that actual hostilities have commenced, unaccompanied by any evidence of the character or extent of those hostilities. It gives us no facts on which his declaration is founded, to enable the House to judge if the right to remove the Creeks by force is justifiable. Are we to act on this declaration? Are we to collect our facts from newspapers, private letters, or rumors? And if we should, what do they all amount to? From no source that can be relied on have I sufficient evidence to believe that, at the date of this letter, any white man had seen twenty-five Creeks imbodied in arms. True, this is no evidence that more have not been in arms. But I should not be surprised if it should turn out that the whole number was then less than two hundred and fifty.

There is, however, some negative testimony. I will refer the committee to a semi-official publication in the Globe of the 30th of May. It states that "Colonel Hogan wrote, on the 24th of April, that there was no more disposition among the Creeks of the upper towns for hostilities than there was among the citizens of Washington, and that he did not believe there was any such disposition among the Creeks of the lower towns." This letter was received here on the 5th, and "on that day Governor Clay was again informed that, should the Indians meditate hostilities, any force he might find necessary to call out for the protection of the inhabitants would be received into the service of the United States. The same information and the same authority was given to Governor Schley, on the 13th of May." This is the account of the Indian hostilities, as published on the 30th of May. The orders of the Governors of Alabama and Georgia do not refer to actual hostilities, but to meditated hostilities.

But, sir, if a state of war exists, why has no communication of the fact been made by the President? I do not go the length of saying there should be no communication between the heads of the Departments and the committees of this House. In matters of minor consequence, convenience requires it. But, sir, on questions involving a change of our relations with nations with whom we have treaties—on questions of peace and war—I hold that a head of Department and committees of the House are not the proper organs of communication between the Executive and Congress. Such communication should be made by the President, and to both Houses, to whom it appertains to take order thereon. Measures new and important are not to be sprung upon the House through a report of a committee. The President is the only constitutional organ of communication between the executive and legislative departments. It is his constitutional duty, "from time to time, to give to Congress information of the state of the Union, and to recommend such measures as he shall judge expedient." Sir, I would hold him to his duty—to this responsibility. If the House acts on its own motion, on its own information, it acts on its own responsibility. That responsibility, for one, I am not willing, in this instance, to assume.

Mr. Chairman, I now offer an amendment, as a substitute for the amendment of the committee. I do not propose to lessen the appropriation, but to restrict its application. I do not make it a question of amount, but of principle. I am willing to give the Executive ample means to remove all the Indians, but propose to divide the amount, so that a part shall be applicable to the removal of those who please to go, and the residue to those who may be in arms; but that no part shall be applicable to those who are neither hostile nor willing to remove. This amendment will be applicable to the Seminoles as well as to the Creeks, and will also enable the Executive to resort to pacific as well as warlike measures for their removal.

The amendment, as it came from the Senate, was for a removal of the Creeks who should voluntarily assent to go, and was based on the removal of 12,000.

For this purpose, in addition to an unexpended balance of - - -		$155,000
It appropriated the sum of - - -		348,230
		503,230
To this the committee of the House have added, under the call of the Secretary of War, on an estimate for removing the residue of the nation, - - -		675,320
		1,178,550
And to this may be added, for the removal of the Seminoles, an unexpended balance of -	$33,000	
And an additional appropriation of	100,000	133,000
Making, for the removal of the Creeks and Seminoles, - - - -		$1,311,550

Should the substitute be adopted, the amendment will stand: "For the removal of the Creek Indians, and their subsistence for one year, including subsistence for those recently removed, in addition to one hundred and fifty-five thousand dollars of former appropriations, three hundred and forty-eight thousand two hundred and thirty dollars, under the 12th article of the Creek treaty of 1832.

"For holding treaties with the hostile Indians east of the Mississippi river, and for their removal west of that river, six hundred and seventy-five thousand three hundred and twenty dollars."

Mr. Chairman, this presents the important question in relation to all the hostile Indians, Creeks and Seminoles, shall force be the only means of effecting their removal? I propose a pacific measure; and by the term in the appropriation, "for holding treaties," to indicate to the Executive the opinion of this House, in the hope that it will not be disregarded.

It seems to be taken for granted by some gentlemen that we cannot, consistently with our national honor, hold treaties, or even attempt a pacification of hostile Indians. It is said by the gentleman from Alabama [Mr. Lawler] that they must be whipped before they can be removed. What, sir! send whipped Indians west of the Mississippi! Of that I have a word to say hereafter. Our honor! What of honor have we gained already in our attempt to whip the Seminoles? And what of honor must be gained, if, by extermination, we make a grand finale of the hostile tribes? But, sir, this is also a question of interest. I will thank the Clerk to state the amount already appropriated on account of these Indian hostilities—[$2,620,000, besides rations to the starving inhabitants]—more will be immediately required. Add to this the expense of another campaign, of an army of 5,000. And to this the amount of the losses of the inhabitants of Florida and Alabama--some millions more. This, though an individual loss, is not the less a loss to the country. Possibly it may become a direct national loss. On that question I do not intend to commit myself; but, sir, if the sufferers claim indemnity, they will, as their only ground, base their claims on the fact that their loss was occasioned (to use the mildest phrase) by an improvident act of the Government. In addition to all this, look to the loss of human life.

It is evident, sir, that the Seminole war was the immediate cause of the Creek hostilities. Other causes have no doubt concurred—causes of irritation, producing a predisposition to hostility, called into action by the success of the Seminoles. What shall be done? Shall we fight it out to the last, or attempt a pacification? Sir, in selecting our course, much will depend on the answer to the question, "is our quarrel just?" And it is time this question was answered.

In answering this question, I shall take occasion to inquire into the causes of the Seminole war. I shall stop where the war commenced, leaving it for others to examine into the manner in which it has been conducted. I pass this over to the military gentlemen of the House—to the Committee on Military Affairs—to institute the proper inquiry. I have no doubt they will do their duty.

Preliminary to the investigation, I will suggest two considerations, which should be borne in mind during the investigation. The first is, the unequal terms on which we always treat with the Indian tribes—our superior intelligence--their necessities--the fact that our treaties are, as they say, white men's treaties, made in our language, translated by our interpreters, and by them imperfectly understood, and imperfectly remembered. The other is, that we are our own historians; we tell the whole story; they, particularly the Seminoles, were refused permission to send a delegation here to tell their part of the story. In reply to their application, they were told, "This made the President angry." From considerations such as these, in all questions of doubt, proper allowances should be made in their favor.

I will also notice some things of minor importance, which may have had an unfavorable influence—the eager desire of the whites to obtain their land. General Eaton, in his letter of the 8th of March, 1835, says:

"The people here want the lands on which they (the Seminoles) reside; and they will urge a removal, *fas aut nefas*; and the Big Swamp, which, in the treaty, is declared to be the first of their country to be vacated, is of high repute; and it is that on which the eyes of speculators are fixed."

The unprincipled desire to obtain their negroes. General Thompson, in his letter of the 28th of October, 1834, says:

"There are many very likely negroes in this nation; some of the whites in the adjacent settlements manifest a restless desire to obtain them; and I have no doubt that Indian-raised negroes now in possession of the whites, some of the negroes in the nation, with some of the Indians, have been induced, by bribery or otherwise, to stir up hostility among the Indians to the intended emigration, for the purpose of detaining the negroes here until the territorial jurisdiction shall be extended over the Indian country, so as to enable fraudulent claimants to prosecute their claims in the territorial courts," &c. The opposing influence of the negroes, excited by the fear of their being sold to slave-dealers.

General Thompson, in his letter of the 27th of April, 1835, a letter of great interest, says:

"Application was made to me this morning for permission to purchase negroes of the Seminole Indians, under a letter from the office of Indian affairs, addressed to General Call, in which the Commissioner says, as there is no law prohibiting the sale of slaves by the Indians, there is no necessity for the interference of the department to allow the Indians a privilege which they already have." "The negroes in the nation dread the idea of being transferred from their present state of ease and comparative liberty, to bondage and hard labor under overseers on sugar and cotton plantations. They have always had a great influence on the Indians. They live in villages, separate, and, in many cases, remote from their owners, enjoying equal liberty with their owners, and with the single exception that the slave supplies his owner annually, from the product of his little field, with corn in proportion to the amount of the crop; in no instance that has come to my knowledge, exceeding ten bushels; the residue is considered the property of the slave. Many of these slaves have stocks of horses, cows, and hogs, with which the Indian owner never assumes the right to intermeddle. I am thus particular on this point, that you may understand the true cause of the abhorrence of the negroes of even the idea of any change; and the indulgence so extended by the owner to the slave will enable you to credit the assertion that an Indian would almost as soon sell his child as his slave, except when in a state of intoxication."

On this occasion, sir, General Thompson did his duty—he refused permission to the applicants to purchase slaves or to say any thing on the subject. The answer to this letter is not among the papers in my possession.

In this investigation, I shall endeavor to confine myself to our own record. I regret, sir, that the documents just laid on your table are not printed, and in the hands of all the members, that they might go along with me, page by page. I desired that the discussion should be delayed a day or two for that purpose. But it is the pleasure of the House that the discussion shall now proceed.

On the 8th of January, 1821, the Creek treaty of Indian Springs was concluded. At that time the Seminole band was a component part of the Creek nation. To this treaty I shall have occasion to refer hereafter.

On the 18th of September 1823, the treaty of Camp Moultrie was concluded with the Seminoles, they having then separated from the Creeks. By this treaty we engaged to pay them annuities for twenty years, and guarantied to them their narrow limits. They were restricted from the seacoast, and confined to the hammocks and swamps, which they are now defending to the last drop of blood. Miserable as their country is, they cling to it with the grasp of death. This treaty, unless abrogated by a subsequent treaty, was an existing treaty at the commencement of the present war.

On the 9th of May, 1832, the Seminole treaty of Payne's Landing was concluded. The Seminoles have alleged that it was forced upon them. But, sir, in our own story I find no evidence of the fact; all that I find is, that at that time they were in a state of starvation; we deemed it a fit occasion for holding a treaty. We were not, however, the cause of their famine; nor were we accountable for its consequences. We did no more than to take all due advantage of the fact.

I ask the Clerk to read the preamble and the 7th article:

"The Seminole Indians, regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending their removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs, Jumper, Fuch-a-lus-ti-co-had-jo, Charley Emartla, Coi-had-jo, Holati-Emartla, Yaha-hadjo, Sam Jones, accompanied by their faithful interpreter, Abraham, should be sent, at the expense of the United States, as early as convenient, to examine the country assigned to the Creeks west of the Mississippi river; and should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people, the articles of the compact and agreement herein stipulated at Payne's Landing, on the Ocklawaha river, this ninth day of May, one thousand eight hundred and thirty-two, between James Gadsden for and in behalf of the United States, and the undersigned chiefs and headmen for and in behalf of the Seminole Indians, shall be binding on the respective parties."

"Article vii. The Seminole Indians will remove within three (3) years after the ratification of this agreement, and the expenses of their removal shall be defrayed by the United States; and such subsistence shall also be furnished them, for a term not exceeding twelve (12) months, after their arrival at their new residence, as in the opinion of the President their numbers and circumstances may require; the emigration to commence as early as practicable in the year eighteen hundred and thirty-three (1833;) and with those Indians occupying the Big Swamp, and other parts of the country, beyond the limits as defined in the second article of the treaty concluded at Camp Moultrie creek, so that the whole of that proportion of the Seminoles may be removed within the year aforesaid; and the remainder of the tribe, in about equal proportions, during the subsequent years of eighteen hundred and thirty-four and five (1834 and 1835.")

In relation to this treaty, I shall now, Mr. Chairman, endeavor to sustain the three following positions:

I. That the treaty never became obligatory on the Seminoles.

II. That the Government have attempted to execute it contrary to their own interpretation.

III. That they have attempted to execute it by an act of war, before the commission of any hostile act on the part of the Seminoles.

If I sustain these positions, I shall have shown, satisfactorily, the causes of the Seminole war; and answered the question, "is our quarrel just?"

The treaty of Payne's Landing never became obligatory on the Seminoles.

1. Because the condition precedent, on which alone it could become obligatory, was not fulfilled.

That condition, in substance, was, that the Seminole delegation should, after visiting the Western country, be satisfied with the character of the country to which they proposed to emigrate; and, also, of the favorable disposition of the Creeks (who were entitled to the country, and with whom it was proposed they should hereafter reside) to reunite with the Seminoles as one people.

The delegation visited the Western country, and, before their return, or having any communication with their tribe, on the 28th March, 1833, at Fort Gibson, signed articles with our commissioners, by which they expressed themselves satisfied with the character of the country, and of the favorable disposition of the Creeks to unite with the Seminoles as one people. This, on the face of it, with the exception of the change of the word *unite* for *reunite*, is a literal declaration of what was required by the treaty. But was it a substantial compliance? Was it an act of which, in good faith, we ought to avail ourselves? Is the complaint of the Indians without cause? General Thompson, in his letter of the 28th October, 1834, states it in their own language: "Jumper says they agreed at Payne's Landing to go and examine the country; but they were not bound to move to it until the nation should agree to it after the return of the delegation."

The delegation were their confidential chiefs—the agents of the Seminoles; or, if you please, umpires, authorized to determine for them. But, sir, were not the Seminoles to be heard before them as well as the United States? They were not heard. The delegation went to visit the West, and there, before returning to consult the Seminoles, surrounded by the whites, signed their determination. The Seminoles complained, and with justice, that the determination was made on an *ex parte* hearing. On their return, the delegation reported that they were satisfied with the country and the Creeks there. But their objection was to the hostile disposition of the surrounding tribes; that they saw scalps brought in. They were then told treaties would be made with the hostile tribes, of which they would be informed. Sir, they claimed a right to be heard, before their delegation made a final decision.

But, sir, this is not the most material part of the objection. A part of the condition was, that the delegation should be satisfied with the disposition of the Creeks—of the Creek nation—to reunite with them as one people. I now ask the attention of the committee to the facts.

By a treaty concluded with the Creek nation east of the Mississippi, on the 24th March, 1832, almost cotemporaneous with the Seminole treaty, the country west of the Mississippi was secured to the Creek nation. The emigration commenced; and it appears, by a document annexed to the report of the Committee on Indian Affairs of February, 1834, that the whole number of the Creeks who had emigrated to the west was only 2,459; while the number remaining east was 22,638. The assent of the delegation to the supplemental treaty, declaring themselves satisfied, was yielded on the 28th March, 1833: they had, therefore, consulted only this small portion west. This was known to our commissioners at the time, and to our Government before the ratification of the treaty. This is no technical ground of objection. But a consequence resulted that formed a substantial reason why the Seminoles should decline to emigrate.

While a component part of the Creek nation, the Seminoles were a separate band, and, as such, were united with the Creeks. The treaty of Payne's Landing contemplated a reunion—not an amalgamation. By the treaty concluded with the Creeks west, on the 14th February, 1833, and the supplemental Seminole treaty of 28th March, 1833, the Seminoles were to be located by themselves, and a tract of land was designated for their location. Their rights to any location depended entirely on the assent of the Creek nation. The Creeks west assented for themselves only; but, in relation to this, the Creeks east were neither consulted nor informed. The fact of this treaty of the Creeks west was concealed from them. Perhaps the term *concealed* is too strong; it was, however, not communicated to them. These, as inferences, are drawn from a document which I will now ask the Clerk to read. It is a letter from General Eaton to the Secretary of War, of the 8th March, 1835, to a portion of which I will ask the attention of the committee:

"There is another difficulty in the minds of these people: a separate tract, out of the Creek lands, has been set apart for their homes. There is a ratified treaty in your office, made by General Stokes, Ellsworth, and Schermerhorn, with the Creeks, which authorizes the location. While negotiating with the Indians last year, at Washington, I understood the Creeks discovered this act, and had sent word to the Seminole bands that, while they were willing to receive them in their limits as a portion of their nation, they would not suffer them to enjoy any separate allotment of their soil. This, too, has intimidated them, and is, I dare say, the essential cause of their reluctance to go off."

Yes, sir, in the winter of 1834, they discovered this western Creek treaty, making the separate location: they rejected it; they had a right so to do; they sent word to the Seminoles that they would not agree to it. And this, General Eaton says, was, in his opinion, the essential cause of their refusal to go off. But how was this material? What objection could the Seminoles have to an amalgamation with the Creek nation? I ask the attention of the committee to the grounds of their objection.

By the Creek treaty of 1821, before mentioned, it was agreed that the sum of $250,000 of the money to be paid to the Creeks for the cession of their lands should be paid to citizens of Georgia, for property taken or destroyed by the Creeks (then including the Seminoles) prior to the passage of the intercourse act of 1802, and which was accordingly reserved, and subsequently paid. The spoliation provided for must have taken place nineteen years before this treaty, and during these nineteen years individuals claimed and possessed the property originally taken from the citizens of Georgia. The treaty on the part of the Creeks could never have been intended to disturb the rights of individuals of the tribes, or any of its bands. Between the date of that treaty and that of the Seminole treaty of 1832, no such claim was set up. In the mean time, intermarriages had taken place between the Seminoles and their slaves. The first we hear of any claim was prior to the ratification of the treaty of Payne's Landing. General Thompson, in his report of the 1st of January, 1834, to Governor Duval, and by him enclosed to the Commissioner of Indian Affairs on the 20th, says: "The principal causes which operate to cherish this feeling hostile to emigration are, first, the fear that their reunion with the Creeks, which will subject them to the government and control of the Creeks' national council, will be a surrender of a large negro property to the Creeks, as antagonist claimants." "The Creeks' claim to the negroes now in possession of the Seminoles grows out of the treaty of 1821." They have an agent now in the Seminole country urging the claim of the Creeks to negroes, or their descendants, which formed a part of the consideration for which the Creeks consented to pay the $250,000 to the Georgia claimants." It will be seen that the claim thus brought forward in 1834 referred to transactions of thirty-two years' standing, and was for negroes taken, and their descendants—for the wives and children of the Seminoles.

General Thompson, in his letter to the Commissioner of Indian Affairs of the 15th July, 1834, again refers to this claim, in connexion with the subject of amalgamation. "If, as a distinct body, under the protection and control of their own chiefs, located on the territory assigned to them adjoining the Creeks, the Seminoles would be afraid that a general council of the two tribes would deprive them of the slaves in question, it seems to me that their fears could not fail to be greatly increased by a promiscuous introduction of them among the Creeks, which would reduce their chiefs to privates, and subject them and their slaves more certainly to the entire control of the Creeks." Thus, sir, it appears their objection to amalgamation was founded on substantial reasons. Nor were they bound by the treaty to amalgamate with the Creeks; nor were the Creeks east bound by the act of the Creeks west, assigning them a separate location. The country west was ceded to the whole Creek nation; no part of it could be ceded to the Seminoles, without the assent of the Creek nation; neither the first 10 Creek emigrants, nor the first 100 nor the first 2,459, had the right to cede the whole or any part of the territory.

Thus, Mr. Chairman, it appears, in point of fact, that the delegation signed the supplementary treaty at Fort Gibson, surrounded by our commissioners and people, without consulting their tribe; that they never consulted the Creeks east; that no location was made that was authorized by the Creek nation; and that this was known to the commissioners at the time the supplemental treaty was signed. In addition to this, that the Creeks east insisted on their amalgamation, the Creeks west had agreed only to a reunion; that the Seminoles, for substantial reasons, refused to amalgamate, and that all this was known to our Government before the ratification of the treaty. The act, then, of the delegation, however formal, was an act done without authority, and, in its operation, in fraud of the rights of the Seminoles. Can, then, the United States honestly or decently avail themselves of this act as evidence of the fulfilment of the condition precedent?

It should be borne in mind that the question raised is between the parties to the treaty, and not between one of the parties and its citizens, or between the executive and legislative power.

The next objection to the validity of the treaty is, that it was not ratified on our part, and an appropriation made to carry it into effect, until two years had elapsed; during which period it was, by its terms, to have been in the course of execution.

The treaty was concluded on the 9th of May, 1832, and was received on the 29th; and during the session of Congress, which adjourned on the 16th of July, provision was made for commissioners on our part, to meet the Seminole delegation at Fort Gibson, in October, 1833. At what time either arrived there, or for what reason the supplemental treaty, or that with the Creeks west, was delayed, does not appear. The treaty with the Creeks was signed at Fort Gibson on the 14th of February, 1833, and the supplemental Seminole treaty on the 28th of March following, and received at Washington on the 28th of October of the same year. The Seminole treaties were ratified on the 8th and 12th of April, 1834.

From this statement of facts, it will be seen that the treaty of 1832 might have been ratified in 1832, and an appropriation been made provisionally for its execution in 1833. The condition precedent was to be fulfilled by an act on the part of the Seminoles, and required no subsequent assent on our part.

On these facts I submit, as an opening argument against the validity of the treaty, an extract from the letter of General Eaton of the 8th of March, 1835, which has been read:

"I have received your letter, with its enclosures, relative to removing the Seminole Indians, under the provisions of the treaty of 1832, but which was not ratified until 1834. I pray you, does not this circumstance raise a doubt whether, by strict rule, the treaty can be considered valid and binding? Our Indian compacts must be construed and controlled by the rules which civilized people practise, because, in all our actions with them, we have put the treaty-making machinery in operation, precisely the same way, and to the same extent, that it is employed with the civilized Powers of Europe. The rule practised upon by us has been, and is, that the ratification shall take place either within an agreed time, or in a reasonable time. When Florida was ceded, in 1819, the Cortes failed to exchange ratifications within the prescribed time, and afterwards, at a subsequent session, it was assented to by the Spanish Cortes. The sense of this Government was, that the first ratification made by the Senate was inoperative, and again the subject was submitted by Mr. Monroe for the action and approval of the Senate. This appears to me to be a precedent that runs parallel with this Indian compact. It says, one third shall remove the first year, viz: as early as practicable in 1833; and one third in the next, and the next, in 1834 and 1835. Now, until 1834, when the ratification took place, the treaty was a dead letter. It is in their power now to plead, and say, we were ready in 1833 and 1834; and, hearing nothing of your determination, we had a right to suppose you did not mean to stand by the treaty, and accordingly our minds have changed. With civilized nations, I think the plea would be available; and, if so, the Indian should have the benefit of it."

In consequence of this letter, the subject was referred to the Attorney General, whose opinion I now present to the committee.

"ATTORNEY GENERAL'S OFFICE,
March 26, 1835.

"SIR: In your letter of the 21st instant, after enclosing to me a communication of Governor Eaton, in which he suggests doubts concerning the validity of the treaty with the Seminole Indians, concluded on the 9th of May, 1832, and ratified on the 9th of April, 1834, in consequence of the delay which took place in the ratification, you requested my opinion upon the validity of the treaty, and upon the right of the United States to remove these Indians in the years 1835, 1836, and 1837.

"There is certainly great force in the suggestions made by Governor Eaton; and as the Government, in its relations with the Indians, is necessarily obliged to become, for all practical purposes, its own interpreter and judge, it is under the highest obligation to make no claim under the treaty, and to set up no construction of its terms, which are not fairly authorized by its sense and spirit. And if it can be shown that a material change of circumstances, connected with the question of removal, had actually occurred, during the period which elapsed between the signing and ratification of the treaty, then it is plain that the Indians can no longer be held to it; unless by some act since its ratification they have recognised and affirmed its validity. In the present case, as no time was limited for the ratification of the treaty, as the supplemental articles of the 28th March, 1833, treated it as yet in existence, although not then ratified by the President and Senate, and as no material change of circumstances is suggested, I think it must be deemed a valid and subsisting treaty.

"If the treaty be valid, the particular intent to remove in 1833, 1834, and 1835, must yield to the general engagement to remove in three years from the ratification; and the same provision must be made for the unforeseen case which has now arisen, which was expressly made for the case anticipated. It was evidently the understanding and the design of the parties that the removal should commence with the year following the ratification, and that the tribe should remove in about equal proportions during that and the two following years; consequently, they are now to be removed in the years 1835, 1836, and 1837.

"B. F. BUTLER."

I take it for granted that the Attorney General has made the best of his case; and, with great deference, I will now proceed to examine the reasons on which it is founded.

1st. "As no time was limited for the ratification of the treaty." But, sir, the time for the commencement of its execution was fixed. The Seminoles are to commence their removal in 1833. This could not be obligatory on the Seminoles, unless the treaty was also obligatory on the United States—unless the treaty was ratified. It was undoubtedly contemplated, at the time of its being signed, that it would have been ratified in 1832. It was proper that it should have been so done. The stipulations on both sides were settled. All that remained to be done was to be done by the separate act of the Seminoles; it required no assent on our part. Why should they be asked to do that act before we had said that, when done, it should be final? But, before the ratification, the act of the Seminoles conferred no obligation on us to ratify the treaty. Had it been immediately ratified, the Seminole delegation must, if they wished to hold us to the treaty, have done the act required in season to have commenced the removal in 1833. If it was their fault that the act was not performed in time to commence before 1835, they could not hold us to the treaty, but on condition that they all removed in that year. They could not avail themselves of their own delay. The Attorney General seems wholly to overlook the consideration, that we might, and ought, immediately, during the session of Congress, when the treaty was returned, to have ratified it. But the delay of 1834 is solely imputable to our own neglect. The supplemental treaty was received in September, 1833, and no appropriation was made to carry it into effect during 1834. The principle of the Attorney General has no limit. If two years of the period of the execution might elapse, why not the three, or ten years?

2d. "As the supplemental articles of the 28th of March, 1833, treated it as yet in existence, although not then ratified by the President and Senate." Is it probable that the Seminole delegation knew whether it was ratified or not, or the effect of treating it as an existing treaty? If they considered it had been ratified, then they must have considered that the supplemental treaty made it binding; but would their considering one way or the other impose an obligation on the United States to ratify it? The signing the supplemental articles, then, did not make it binding on us or them.

3d. "As no material change of circumstances is suggested." And who, sir, was there to suggest it? It was an *ex parte* hearing. The Seminoles had no delegation there to make suggestions. The only thing before the Attorney General seems to have been General Eaton's letter and the treaty. But, considering this a treaty between two nations, admitting we have taken upon ourselves to be our own interpreters on questions of construction, are we entitled also to take upon ourselves to be the exclusive judges of the situation of the Seminoles? Had not they at least an equal right to judge of their own condition? They certainly had the best means of judging. They require no suggestions. They had this right. They exercised it; and of their determination we were informed before the ratification of the treaty—so well informed of it, that, as I shall show hereafter, it was then in contemplation that it might be necessary to use force to compel its execution.

Mr. Chairman, I have not yet done with the opinion of the Attorney General. I shall now rely upon it as an authority to show that the treaty was not obligatory on the Seminoles; I shall show that "a material change of circumstances" connected with the question of removal had actually occurred during the period which elapsed between the signing and ratification of the treaty.

What, sir, was the situation, or, rather, what were the "circumstances" of the Seminoles when this treaty was signed? They were living separate from the Creeks; they had had, from 1802 up to that time, a period of thirty years, undisturbed possession of the negroes taken by them from the citizens of Georgia. The claim of the people of Georgia was quieted by the Creek treaty before mentioned, of 1821. Since that time, the Creeks had set up no claim to them. No objection against the reunion of the Creeks and Seminoles, according to their former condition, existed, or was known to exist, on the part of the Creeks. Under this state of things, the treaty was signed; and it was signed on the basis of the continuance of this state of things, that the Seminoles should, as a separate band, be reunited to and form a component part of the Creek nation, as one people. But what was the situation of the Seminoles? What were their "circumstances" when the treaty was ratified, April 8, 1834? In the mean time, two material circumstances, or, rather, a change of two material circumstances, had occurred.

1. The Creeks had set up a claim to the negroes and their descendants, taken by the Seminoles from the people of Georgia prior to 1802, under the pretence that, on the payment of the $250,000, under the treaty of 1821, they became the property of the Creek nation, of which the Seminole band was a part. This has been already sufficiently explained. To the Seminoles it was no consolation that the claim was unjust; for,

2. The Creeks east had refused to sanction the agreement of the Creeks west, allowing to the Seminoles a separate location. This was, in effect, a refusal on the part of the Creeks to reunite with the Seminoles. No, sir; they would not reunite, but insisted on an amalgamation. It was certain that an amalgamation would subject this claim to the decision of the Creek council; from which the Seminoles had nothing to hope. Sir, this was no pretence. The objection was taken in good faith. You have the opinion of General Eaton that it was the essential cause of their unwillingness to go at all.

The materiality of this change of circumstances is manifest; it was the essential cause of the reluctance of the Seminoles to emigrate. In fine, it rendered the execution of the treaty impracticable, consistently with the just rights of the Seminoles; and had it existed at the date of the treaty, that treaty would not have been made.

These objections were communicated to our Government, as I have before stated, prior to the ratification of the treaty; and so important were they then deemed, that General Thompson, in his report of the 1st January, 1834, recommended "the policy of conclusively quieting the Creek claims, so as to leave those Indians (the Seminoles) forever at rest upon the subject."

I will here remark, sir, that General Thompson, in a subsequent letter, suggests a doubt as to the construction of the treaty of 1832—whether it gave to the Seminoles the right to a separate location, or obliged them to amalgamate. He gave to it the former construction, though he thought it susceptible of the latter. But, sir, we shall be placed in this dilemma: if the latter construction be adopted, the location was void, as made contrary to the treaty; if the former, then we are met by the refusal of the Creeks east; and in both we are met by the fact of a material change of circumstances between the signing and the ratification.

On the case now made, I claim the authority of the opinion of the Attorney General as decisive against the validity of the treaty.

"Unless, by some act since its ratification, they have recognised and affirmed its validity."

But, sir, the Secretary of War, in his communication of the 25th of May, this day laid on our tables, takes a new ground, with a view of making a case within this exception. I did not expect it. Yet, sir, I am prepared to meet it. Referring to a transaction of the 23d of April, 1835, he says:

"In obedience to the resolution of the House of Representatives of the 21st instant, I have the honor to state that this Department has not received any information since my report of the 9th of February, to the Senate, in answer to their resolution of February 3, showing the causes that induced the Seminole Indians to commence hostilities, so far as they were known here. The abstract contained in the report I have the honor to enclose; and I beg leave, in addition, to state that it will appear, by reference thereto, and to the document submitted with it to the Senate, that the complaints of the Seminole Indians were investigated by General Clinch, General Thompson, and Lieutenant Harris; and that, on a full consideration of the whole matter, in open council, an arrangement was made to the mutual satisfaction of the parties, which was in the following terms:

"We, the undersigned chiefs and sub-chiefs of the Seminole tribe of Indians, do hereby, for ourselves and for our people, voluntarily acknowledge the validity of the treaty between the United States and the Seminole nation of Indians, made and concluded at Payne's Landing, on the Ocklawaha river, on the 9th of May, 1832, and the treaty between the United States and the Seminole nation of Indians, made and concluded at Fort Gibson, on the 28th day of March, 1833, by Montford Stokes, H. L. Ellsworth, and J. F. Schermerhorn, commissioners on the part of the United States, and the delegates of the said nation of Seminole Indians on the part of the said nation; and we, the said chiefs and sub-chiefs, do, for ourselves and for our people, freely and fully assent to the above-recited treaties, in all their provisions and stipulations.

"Done in council at the Seminole agency, this 23d day of April, 1835."

[*Signed by sixteen chiefs and sub-chiefs.*]

When I said that the Secretary had taken a new ground, I did not mean to be understood that these articles were now, for the first time, published; they were inserted in the answer to the call of the Senate of the 9th February. But, sir, this is the first declaration, in form, that they were relied on, by the Executive, as a confirmation of the treaty, or that any obligation whatever was intended to be inferred from them.

Passing by the question whether this act, on the face of it, committed the Seminole tribe, I will now, sir, proceed to state to the committee the circumstances under which it was executed; and here, too, I shall confine myself to our own story, as recorded in the War Office.

On the 22d April, 1835, a council of the Seminole chiefs was assembled by General Clinch and Captain Harris, of the army, and General Thompson, the removing agent. Prior to this, they had been informed of the determination of the Seminoles, with few exceptions, not to execute the treaty; and orders had been given to General Clinch to execute it by military force. An account of the proceedings at this council is given in the joint letter of the 24th of April.

On the first day of the council, General Clinch said to the Seminoles:

"The time of expostulation had passed; that, already, too much had been said, and nothing had been done; that the influence of the agents of Government, their powers of persuasion and argument, had been exhausted, both in public councils and in private interviews, to induce them to do right; that we had lingered long enough in the performance of our duties to have averted, had they been willing, the evils that threatened their foolish resistance to the fulfilment of pledges solemnly and fairly made by them; and that now it was time to act. He had been sent here to enforce the treaty; he had warriors enough to do it, and he would do it. It was the question now, whether they would go of their own accord, or go by force." With this, they were told they might depart; and until morning was given them to think upon what had been said. "In the course of the morning, eight principal chiefs gave their assent to abide by the stipulations of the treaty; five remained opposed to it."

Micanopy was absent. "General Thompson had, upon the first intimation, in the council of this day, of further resistance on the part of the chiefs, demanded of the chief Jumper whether Micanopy (by whom he knew the movements of a number of them to be controlled) intended to abide by the treaty or not? And when Jumper finally confessed that he was authorized to say that Micanopy did not, he (Thompson) promptly declared that he no longer considered Micanopy a chief; that his name should be struck from the council of the nation; that he should treat all who acted like him in the like manner; and that he would neither acknowledge nor do business with him, or with any other, as a chief, who did not honestly comply with the terms of his engagements; that the door was, however, still open to them, if they wished to act honestly."

"In consequence of this, the names of the five opposing chiefs [Micanopy not present] were struck from the council of the nation."

All this preceded the signing the agreement; and under this threat and this act the articles were signed. If an enemy in arms, force may compel the conquered to submit to any terms the conqueror may dictate; but, sir, what can be said of this as a transaction between a civilized—a powerful nation—and a small band of Indians, with whom we were at peace; and who then dared to claim what they now dare to defend? Sir, between civilized nations it could not exist a moment.

But what do you think the Government said of this transaction? They rebuked their agent for breaking the five chiefs; they acknowledged that the assent of the chiefs to the articles was the effect of the menace. But what was said of that menace? Sir, I will not rely on witnesses: I shall sustain myself only by the record; and here it is.

The acting Secretary of War, on the 20th May, 1835, in reply to it, says:

"From your report, it appears that eight of the principal chiefs have signified, in writing, their determination to abide by all the stipulations of the treaties of Payne's Landing and Fort Gibson, and that five of the principal chiefs refused to acknowledge them. The assent of the chiefs is to be attributed, it would seem, to the declaration of General Clinch, that, if they declined to remove voluntarily, they would be removed by force. The President approves of this declaration, upon a full consideration of the circumstances under which it was made."

And what are those circumstances? "The Seminoles had trifled sufficiently long with the most solemn treaty obligations, to which they had, in the first instance, acceded, with a full understanding of their character, and the consequences of which they had had, during three years, full opportunity to perceive and appreciate."

And this is not all, sir. Mr. Thompson, in his letter of the 18th June, in reply, states that this declaration had been before repeated, under the authority of the Department.

Such, sir, was the arrangement in open council, which, it is alleged, was made to the mutual satisfaction of the parties!

II. That the Government has attempted to enforce the treaty, in violation of its own construction.

The construction to which I refer is contained in the Attorney General's opinion, that the Seminoles were to be removed in the years 1835, 1836, and 1837, instead of the years stipulated in the treaty.

In violation of this construction, the Government have insisted *to* the Seminoles that they should all remove in the year 1835.

General Thompson, in his letter of the 28th October, 1834, states that he told the Seminoles, "I have come from the President to tell you" "that you must prepare to remove by the time the cold weather of the winter shall have passed away." The proposition was general. No intimation was given that they were to be allowed a longer time.

In accordance with the principles of the subsequent opinions of the Attorney General, the Secretary of War wrote to General Thompson, distinctly stating that the part of the Seminoles required by the treaty to remove in 1833 should remove in 1835; and the plain inference from this letter was, that the remainder should remove in 1836 and 1837. General Thompson, in his letter of the 28th December, states that this letter was read in council to the Seminoles. But how was it understood by the Seminoles? Was it made the basis of any proposition? No, sir; the language to them was the same as had been held to them in October. He says that in council "I read your speech, explained it, and enforced it by such considerations as occurred to me; of which, however, my talk to them in October last may, in substance, be considered a transcript. I repeated what I had told them before, that they would be compelled by force to remove, if they did not do so willingly," &c. In his letter of the 27th January following he states: "I have heretofore [when?] submitted to the Secretary of War some reasons why the Indians should be removed all at the same time, by water." And, finally, on the 9th March, General Clinch states to the adjutant general: "In all the communications I have had with the chiefs, I have held out the idea that, as the three years stipulated in the treaty were about expiring, the whole nation would be required to remove this spring."

The President's talk of the 16th February, 1835, is also in accordance with the opinion of the Attorney General—that the Seminoles were entitled to the years 1835, 1836, and 1837, in which to remove.

It appears from the joint letter of Clinch, Thompson, and Harris, of the 24th April, 1835, that this talk was read in council on the 22d. And how, too, was this understood by the Seminoles? Was it made the basis of any proposition? It was not. This, sir, is the proper place to notice the residue of the statement of the Secretary of War of the 25th May last, that "the officers charged with the arrangement of this affair [the arrangement of the 23d of April, 1835] then made an agreement with the Indians, by which they were all to be removed during the succeeding January. These proceedings were approved by the President, and the matter was considered as definitively and satisfactorily arranged; and that, whatever they [the objections to removal] were, the above agreement put an end to them, and left to the Seminoles but one course to pursue, which was an entire removal in January, 1836."

The committee will call to mind the occurrences in the council of the 22d and 23d of April, when it is alleged this agreement was made. It opened with the declaration of General Clinch, that "now was the time to act; that he had been sent here to enforce the treaty; that he had warriors enough to do it, and he would do it. It was the question now, whether they would go of their own accord, or go by force." That until morning time was given them to think of it; that, in the morning, the names of five opposing chiefs were stricken from the council of the nation; and that, under this menace of instant force, the eight chiefs signed what has been called "the arrangement to the mutual satisfaction of both parties." This arrangement purported merely to be an assent to the stipulation of the treaty. It was silent as to the time of removal. From what, then, is the assent of the chiefs to remove in January inferred? I again refer to our own story: "The friendly chiefs, whilst assenting to go, begged that they might not be hurried away; they did not expect to go this year; the season was far advanced, and they wanted time to gather their crops and settle their little business." Sir, they begged for a reprieve from the immediate execution of the sentence, and that reprieve was granted. The letter states: "Under these circumstances, we deemed it our duty to say to the friendly chiefs that we would give their people until the 1st of December to reap their crops, and to complete their preparations; but that, as soon after that time as we could make ourselves ready, every Indian in Florida would be started upon his journey to the new country."

Such is the agreement which it is now insisted put an end to the objections of the Indians to their removal, and left them but one course to adopt—an entire removal in January, 1836. If the proposition was ever made by our agent for a removal in 1835, 1836, and 1837, other than I have stated, I have not been able to find the record of it.

III. The Government have attempted to execute the treaty by an act of war, before any act of hostility was committed by the Seminoles.

On examining the correspondence, I find, sir, that the menace of force has accompanied all our overtures, even prior to the ratification of the treaty.

On the 21st of February, 1834, the Secretary of War, in a letter to Governor Duval, uses this language:

"The Government uses no compulsion with the Indians. It is left to their free choice, in the first case, to go or stay; but after that choice is fully and freely made, and they have obligated themselves to remove, the Government will employ the necessary measures to enforce their removal."

In the council of the 23d of April the Seminoles were told, "You must go to the West; your father the President will compel you to go."

The talk of the Secretary of War of the 22d of November, 1834, says: "The President has directed a body of soldiers to be sent to your country."

This letter was preceded by General Thompson's letter, (of the 28th October,) saying that "a full view of all the circumstances leaves me without doubt that these deluded people are determined to resist the execution of the treaty.

On the 24th November, 1834, orders were given to march troops to Forts Brooke and King, and for General Clinch to co-operate with them.

On the 28th December, General Thompson says that, at the council of the 26th, "I repeated what I had told them before, that they would be compelled by force to remove, should they not do so willingly."

On the 27th of January, 1835, General Thompson suggested to the Department that the military force in Florida was insufficient.

In the President's talk of the 16th February, 1835, the Indians were told, "I have ordered a large military force to be sent among you, &c. Listen to the voice of friendship—you will go quietly; but should you listen to bad birds that are flying about you, and refuse to remove, I have then directed the commanding officer to remove you by force. This will be done," &c.

On the 8th March, Governor Eaton requested General Clinch to delay the execution of the orders until he should receive an answer to his letter to the Secretary of War of that date.

On the 26th March the Attorney General gave his opinion; and on the 14th of April the Secretary of War wrote to General Clinch that "if they (the Seminoles) all be willing to remove this year, it will certainly be better to remove them; but, in that case, let a written agreement be drawn up, stating the reasons of the delay, their entire readiness to remove by the time, and go in a body, and by such route as you and General Thompson shall think best for them, and most economical to the Government. But if they are opposed to this, and will generally agree quietly to remove by the 1st of March, or as soon as arrangements can be made, they may be suffered to remain until that time. Should the Seminoles, however, peremptorily decline to pledge themselves peaceably to remove next season, you will then proceed to carry into effect the instructions heretofore given."

This order produced the menace of Clinch, in the council of the 22d of April, "that he had warriors enough," &c.

On the 20th May, the Secretary of War, in reply to their joint letter of the 24th, wrote to Thompson, Clinch, and Harris, (referring to the letter above, of the 14th April,) "If, as stated in that letter, the Indians will generally agree quietly to remove by the time you have designated, and will signify their agreement in writing in the manner therein pointed out, no objections will be made to the postponement. But the Indians must understand that their removal will be enforced in conformity with the treaty."

About the 3d June, Powell, (Oseolo,) one of the most bold, daring, and intrepid chiefs in his nation, on account of his insolence, was put in irons—put an Indian chief in irons! On his release he appeared friendly. Who that knows the Indian character could rely on such appearance?

The next unfortunate occurrence was on the 18th June, when seven white men, meeting five Indians, took away their rifles, flogged four of them with cowhides, and, other Indians coming to their relief, a fight ensued, in which three white men were wounded, and one Indian was killed. Our officer demanded the Indian aggressors; and, what is more extraordinary, they were delivered up.

On the 11th August, the Seminoles killed a soldier, while carrying the mail, in retaliation for the Indian killed by the whites, and declared themselves satisfied. This was regarded in its proper light by our officer—as a mere act of retaliation.

On the 30th of November, the Seminoles killed one of their chiefs, who had been friendly to their emigration; and immediately all the friendly Indians, to the number of four or five hundred, fled to Fort Brooke for protection. This act was deemed decisive that the Indians would resist their removal by force. It was now, sir, no longer a question of menace. It was a question of war; of the employing a military force to execute a treaty. I characterize the act by the term applied to it by General Eaton in advance. In his letter of the 8th of March, he says, in reference to the execution of the treaty, "the employing a military force will be an act of war; and," further, "the Indians will imbody and fight in their defence."

Our military force, consisting of twelve companies, immediately concentrated; and, on the 23d, a corps of two hundred men attempted to march through what might then be called the enemy's country. Thus, we had marched a military force into their country, for the purpose, repeatedly declared to the Seminoles, of removing them by force; and thus was the act of war completed before a single hostile act was committed by the Seminoles. The Seminoles, fulfilling the prediction of General Eaton, "imbodied and fought in their defence;" and the fate of the unfortunate Dade was told by only three of his men. Here, sir, I leave the war at its commencement. How the battle has fared since, I leave to others to say.

It is proper, however, and it is just, to say that the administration here must necessarily judge of the state of things in Florida through the representations of their agents on the spot; that, from the first question of the execution of the treaty, all our officers and agents there strongly recommended the execution of the treaty by a military force; and, so far as it was intended to produce an effect as a menace, though a policy of a doubtful character, it might, in a just cause, be excused, if not justified. But, sir, if the question I have asked, Is our quarrel just? be answered in the negative, we must stand as the aggressors, without cause and without justification.

But, sir, take it for granted that the treaty was obligatory, and that we had only insisted on its just execution; the question then arises, has the Executive the power to execute a treaty by an act of war? It is the duty of the President to take care that the laws be faithfully executed, but by such means, and by such only, as the constitution or the laws have provided. To Congress it belongs to make all laws necessary and proper for the execution of the special grants conferred on Congress, and of all other powers vested by the constitution in the Government of the United States, or in any department or officer thereof. The execution of a treaty by force, or attempting to obtain satisfaction by force, is virtually an act of war; and this power is vested in Congress alone.

In regard to our own citizens, treaties are the supreme law of the land, and are executed as such; but, as between the parties, they are matters of compact, in which each party judges for itself, and seeks its remedies under the laws of nations; and the exclusive right which we have assumed to judge for both parties, defines our power, but not our right. This, however, cannot change the character of treaties with the Indian tribes, and reduce them from compacts to laws.

The action of the Executive, in the cases of the Seminoles and the Creeks, though directly opposite, is within the same principle. In the case of the Seminoles, an attempt was made to execute a treaty by an act of war. In the case of the Creeks, the attempt is to violate a treaty by an act of the same character.

I forbear, Mr. Chairman, to comment on a variety of minor considerations which may have had an influence in favor of or against the voluntary removal of the Seminoles, or in adding to the excitement produced by the principal facts in the case—the desire of the whites to retain or to purchase their slaves, and to obtain their lands *per fas aut nefas*, operating on the one hand to obstruct their removal, and on the other to induce their immediate removal by force.

What, Mr. Chairman, may be, if not the probable, the possible, effect of the adoption of the amendment of the committee? It will be considered by the Executive as an authority, as a warrant, for the removal of the whole Creek nation by force. Is there not danger that it may excite the whole nation, or a large portion, to make common cause with the Seminoles? They will take courage from their success. They will, to use the language of General Eaton, "take up the tomahawk in despair." It may be to them a war of extermination, and to us of great peril. What are your present relations with the Cherokees?—a tribe which, since your first treaty with them, has never taken the scalp of a white man—a tribe which has borne and forborne. But, sir, have you done any thing of late calculated to prolong that forbearance? Sir, I learn from a publication in the Globe that we have lately made a treaty with them, by which we have fulfilled our longing desires of acquiring a cession of all their lands. I learn, also, from other sources, that this treaty has been made with one tenth of the tribe, against the remonstrance of the remainder. What state of feeling will grow out of this, it is impossible to say. I hope, sir, they will acquiesce in the treaty, if not in its justice, fully believing that, as circumstanced, their happiness will be promoted by their removal. But, sir, they will judge for themselves. The force of the Indians east of the Mississippi is competent to much mischief. In a war which may become a war of extermination, is it wise to provoke new enemies to "raise the tomahawk in despair?" You may probably rate the force of the Seminoles at 1,500; the Creeks at 3,500; the Cherokees at 3,000; the Choctaws and Chickasaws, and others that are vagrant remnants of tribes, at 2,500 more: a force of 10,000 warriors. The modern Indian wars of the South are not of the character of those of Ohio, Kentucky, and Tennessee, of former days. Then, on the attack, the settlers flew to the rescue; now, sir, the flight is in any other direction. Causes over which individuals, perhaps, have no control, have given an entirely different character to our defence. And is there no danger that an Indian war may connect itself with a war of another character? Sir, those who are the most interested will judge in what scale to place these apprehensions. I trust in God they may never become realities.

But, sir, what is proposed to be done with the Indians? To remove them with all their hostile feelings—to remove whipped Indians to the west of the Missouri and Arkansas, and plant them there! What have you gained, but to change the scene, and increase your danger? You place them there to excite the surrounding tribes to war on your whole Western frontier—tribes who can bring into battle 30,000 warriors, and sustain them, too. They can choose their point of attack, and retreat, at pleasure, where you cannot follow, to return to the attack in some other quarter—tribes, too, which can be supplied with arms by a neighboring nation, which is not, perhaps, now in the best state of feelings towards you. Grant, sir, that these are mere possible dangers; yet, should we not be put on our guard even against remote contingencies? Why should we add further cause for increasing the hostilities which now exist? Why continue even these hostilities, if they can be avoided? Must we continue the Seminole war for another campaign? What new laurels are to be won? It is asked, is it practicable to end the war without further slaughter? Sir, on this subject I rely entirely on the opinion of those better acquainted with the character of the Southern Indians than myself; and, from the opinions of those entitled to confidence, I am satisfied that it is practicable, and that while our army is in summer quarters, the war might be ended. Sir, the experiment is worth the attempt; if we fail, nothing is lost.

I cannot but recur to the period when the system of removal commenced; when the gentleman from Tennessee [Mr. Bell] introduced the bill of 1830. Predictions were then made, which were treated as impossibilities; but, sir, they will soon be a part of our recorded history.

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Appendix to Mr. Everett's speech.

Tallahassee, *March* 8, 1835.

Sir: I have received your letter, with its enclosures, relative to the removing the Seminole Indians, under the provisions of the treaty of 1832, but which was not ratified until 1834. I pray you, does not this circumstance raise a doubt whether, by strict rule, the treaty can be considered valid and binding? Our Indian compacts must be construed and be controlled by the rules which civilized people practise; because, in all our actions with them, we have put the treaty-making machinery in operation precisely in the same way, and to the same extent, that it is employed with the civilized Powers of Europe. The rule practised upon by us has been, and is, that the ratification shall take place within either an agreed time or in a reasonable time.

When Florida was ceded, in 1819, the Cortes failed to exchange ratifications within the prescribed time, and afterwards, at a subsequent session, it was assented to by the Spanish Cortes. The sense of this Government was, that the first ratification made by the Senate was inoperative; and again the subject was submitted, by Mr. Monroe, for the action and approval of the Senate. This appears to me to be a precedent which runs parallel with this Indian compact. It says, one third shall remove the first year, viz: as early as practicable in 1833, and one third in the next, and the next, 1834 and 1835. Now, until 1834, when the ratification took place, the treaty was a dead letter. It is in their power now to plead and to say, we were ready in 1833 and 1834, and, hearing nothing of your determination, we had a right to suppose that you did not mean to stand by the treaty, and accordingly our minds have changed. With civilized nations, I think the plea would be available; and, if so, the Indian should have the benefit of it.

Were these people willing voluntarily to remove, (though such seems not to be the case,) the whole difficulty would be cured, and no evil could arise. But as military force is about to be resorted to, it is material that the Government, before making such appeal, be satisfied that right and justice are on their side; and that they are not engaged in the execution of a treaty which, if void, is no part of the law of the land. I feel so strongly the force of these objections, and am so desirous that General Jackson shall avoid every thing of supposed error, that I shall to-day, unauthorized as I am, write to General Clinch, and request him not to act with force until he shall hear again from you. This he may probably do; and hence the propriety of your considering my suggestion, and advising him as early as possible.

Should you at Washington, who have books to resort to, to solve the doubt I have mentioned, come to the conclusion that it is tenable, why, then, the subject of the removal, and the manner of it, are unnecessary to be examined. An attempt must then be made to go into some new negotiation. If there be nothing in the proffered objections, then the best mode of starting them away recurs.

The employing a military force will be an act of war, and the Indians will imbody and fight in their defence. In this event, you will want such an imposing force as shall overawe resistance. The few companies you have ordered will not produce this result. They will serve but to begin the fight, and to awaken angry feelings; so that, in the sequel, the militia will have to be called, which will end in the butchery of these miserable people. Send a strong, imposing regular force, which can be commanded, and prevented from doing more than actually is needful to be done; and then that force, judiciously acting and forbearing, may do much. But send only a handful of men, and difficulties will come upon you.

The next thing will be to have suitable transports, of seven or eight feet draught, lying at Tampa Bay, well provisioned, to receive them; for sure as you seek a passage over land, they will desert into swamps, and elude your pursuits. They are afraid to go by land. Bad men will raise up false accounts; arrest and throw them in jail, whereby to enforce payment. The fate of their chief (Blunt) last year at New Orleans, they fear will be theirs. Taking them by water to the Mississippi river, and there placing them in boats, with positive orders not to land or stop at any town or city, will prevent this disturbance to them. In three or four days the voyage can be made from Tampa Bay to the Balize, at a much reduced cost to what a land travel northwardly would amount to.

There is another difficulty in the minds of these people, and it is this: A separate tract out of the Creek lands has been set apart for their homes. There is a ratified treaty in your office, made by General Stokes, Ellsworth, and Schermerhorn, with the Creeks, which authorizes the Seminole location. While negotiating with the Indians last year, at Washington, I understood the Creeks discovered this act, and had sent word to the Seminole bands that, while they were willing to receive them in their limits as a portion of their nation, they would not suffer them to enjoy any separate allotment of their soil. This, too, has intimidated them, and I dare say is the essential cause of their reluctance to go off. To cure this, either the Creeks west should be gotten to say that the allotment made shall be for the exclusive separate use of the Florida Indians; or the latter should be prevailed upon, for some adequate compensation, to agree to go and amalgamate with the Creeks. Another mode of prevailing on these people to remove would be, to give orders to the troops to prevent them from raising corn this year: this is almost as severe a remedy as employing your bayonets. But the effect will be that, towards autumn, their necessities will compel them to depart. To go or starve, would then be the question.

General Thompson was here a few days since, and found a letter for him from the Department. He should not be addressed here, but at the Seminole agency, distant from this place, I believe, one hundred and fifty miles.

This Indian question of removal is one that should be managed with great caution and care, that the enemies in Congress, ever ready to find fault, may have no just and tenable ground on which to rest their rumors. Tread cautiously, then. The people here want the lands on which they reside, and they will urge a removal, *fas aut nefas;* and the Big Swamp, which in the treaty is declared to be the first of their country to be vacated, is of high repute, and it is that on which the eyes of speculators are fixed. But whether they shall have it this year or the next, or the next thereafter, is of less importance to the country than that any thing shall be done calculated to impair the character of the Government for justice, and for equitable and fair dealing. Whence the necessity of any speedy removal? Presently, if left alone, these Indians will go of their own accord; because they cannot avoid it. To stay is to starve; and nature and its demands will soon tell them more and better, and more convincing things on this subject, than you and the President can write. Then they will go, and go without any interruption to the quiet and harmony of the country. Now, with all your efforts, and the army to aid you, they could not be carried off and gotten to their western homes before June or July. Then no crop could be raised, and for two years they will be without provisions. The preferred and preferable course, I think, will be to send amongst them active and intelligent men to court them to what is right, in the hope that, during the year, their minds may be so prepared as to be induced to depart during November; at least, that they may reach their homes in time to raise corn the succeeding year. On the whole, to conclude a tiresome letter, I offer this advice: avoid the exercise of force as long as possible, and let it be the only, the last sad alternative; and then let not, by any means, the militia be applied to—they will breed mischief.

With great respect,

J. H. EATON.

LEWIS CASS, *Secretary of War.*

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TALLAHASSEE, *March* 8, 1835.

SIR: I have received from the Secretary of War a letter asking me to suggest to him any views I might entertain as to the removal of the Seminole Indians. Enclosed in his communication was a copy of a letter addressed by you to the adjutant general, dated 22d January, 1835; a reply to it by the Secretary, of the 16th February, with a talk from the President, also dated the 16th February. In reply, I have offered my opinions freely and frankly; and, amongst other things, suggested whether the treaty of 1832 be not void, for want of timely ratification. If this be so, it will be unfortunate that the military force of the country be actively employed.

In my letter I have said, "by the next mail (unauthorized) I shall write to General Clinch, and suggest to him not to employ force towards the removal until he shall again hear from you. He may, perhaps, under all the circumstances, accord to my request; and hence the necessity of your speedily informing him of the course he shall pursue." If, under the orders given, you shall think you can practise forbearance until the Secretary is again heard from, I shall be glad; because my opinion is, there is greater safety in the course. But of this you alone are to judge, under the responsibility of the orders which have been forwarded to you. Very respectfully,

J. H. EATON.

To General D. L. CLINCH.

When Mr. EVERETT had concluded,

Mr. WHITE, of Florida, said: I understand the proposition now before the committee to be, whether this House will sanction two amendments of the Senate to the Indian appropriation bill, providing a fund of one million of dollars for the removal of the Creek and Seminole Indians to the country assigned them on the west of the Mississippi river. This sum has been proposed by the Secretary of War, in two communications addressed to the Indian Committee of this House, in which it is stated that the measure now recommended is essential to the peace of the frontier, and indispensable to the security and preservation of the Indians themselves.

In moving a concurrence on the part of this House in the amendment of the Senate, the chairman of the Committee on Indian Affairs has told us that it is hardly admissible to expect the removal of these Indians until they are subdued and conciliated. It does not require much knowledge of the Indian character to understand that chastisement never produces conciliation, though it may produce submission. Whatever may be the feelings of these Indians, or the consequences resulting from them, the United States are bound by the most powerful considerations of policy, as well as the solemn stipulations of a treaty, to remove them, "peaceably if they can, forcibly if they must," to the country they have contracted for.

Before proceeding to the consideration of the history of this Seminole war, in regard to which the gentleman from Vermont has entertained the House for the last two hours, I must notice one of the preliminary observations, in which he says this House have no authentic information of a Creek war, and no evidence that there have been at any time twenty-five Creeks assembled. He further intimated, that the only intelligence we had from the seat of war was from the affrighted and flying inhabitants, whose misfortunes and distresses have, upon several occasions, been made the subject of jeering, derogatory, and debasing remarks, in official despatches as well as speeches on this floor.

Sir, what evidences have you of the existence of a war? We have the official reports from the Governors of Georgia and Alabama; letters from Major McIntosh, commanding at Fort Mitchell; reports from the postmaster at Columbus; requisitions from the Secretary of War for appropriations; the actual calling out of four thousand troops from Alabama and Georgia, and a brigade from Tennessee; with the movement of all the regular troops. In addition to these evidences, you have actually made an appropriation of five hundred thousand dollars to suppress these hostilities; and yet we are asked for proof that there is a war; or that twenty-five Indians have ever been assembled at any one place!

You have had information, through the official journal at this place, of the seizure of the public mails, and that the mail route from Chattahoochie to Line creek was strewed with mangled bodies of murdered victims of savage ferocity. You have seen that 400 armed Indians have taken the town of Roanoke, and captured two steamboats; and when measures of protection and defence are asked for, we are coolly and indifferently asked if there is, in fact, any war? I understand the object of all this manœuvring perfectly well. It is to censure the Executive for not having made a direct communication on this subject. Whether this be within his constitutional duties or not, is not for me to decide. Whether he has done his duty or not, I trust will not be made the subject of mockery and outrage upon those whose misfortune it is to live within the range of the application of the tomahawk and scalping-knife, which have been so tauntingly and indifferently referred to on this floor.

I have one word to say on the subject of these unfortunate sufferers, who are represented as a panic-stricken, flying population, not stopping to see whether they are pursued by "squaws or by warriors." These people live in detached neighborhoods, in a sparsely populated country, having no large settlements to fall back upon, and no fortified places to retreat to; are driven by the feelings of natural affection, first to place their wives and children out of the reach of a treacherous, barbarous, and blood-thirsty savage enemy, who disregard all the principles of civilization and humanity. It is an easy thing, at this distance, and with the security of a thousand miles from the operations of such an enemy, to talk about fighting and pursuing them, instead of retreating to a place of safety until a sufficient number can be assembled to meet them with some prospect of resistance. In the best days of the Roman republic, the life of one citizen was considered of sufficient consequence, not only to produce a sensation throughout the capital, but in the remotest provinces. Here, it appears that more sympathy is felt for the imaginary rights of the Indians, than for our butchered women and children, who have had no agency in bringing about the horrible war now raging on your frontiers.

I proceed, however, without further remark, to the question put by the gentleman from Vermont. He demands, as preliminary to voting this money, that this House should decide "whether our quarrel be just." He proceeds then to make a statement which deeply implicates the honor of the nation, and subjects this administration, if true, to the condemnation of the just and liberal throughout the United States. Sir, it is not my province to defend the present administration. Neither I, nor the people I represent, have much reason to enter into their defence. I have but one rule, however, on this subject; and that is, to defend this or any other administration from improper imputations, or unjustifiable abuse. I have, however, a much higher, and, I trust, nobler motive than a miserable party conflict, in vindicating the honor of my country against charges of Punic faith, of violated treaties, and of heartless oppression of these miserable, despicable, and degraded savages. The gentleman from Vermont attempts to maintain two propositions: 1st, That the treaty with the Seminoles is not, and never was, binding upon them; 2dly, That the treaty itself was forfeited for a non-compliance with the conditions contained in it; and he proceeds to denounce the President for threatening to execute it by force, and has read various extracts from the negotiations between these Indians and our commanding officers, to excite commiseration for them, and public indignation against the Government and its officers. He has commenced his history of this transaction with the treaty of Camp Moultrie, in 1823, and has intimated that the Government did not produce "the state of starvation in which the Indians were found, but that they only took advantage of it." I propose to go back a little further into the history of these Indians than it has suited the purpose of the gentleman to go; and I pledge myself to maintain, before this House and the nation, that the conduct of this Government to these ruthless barbarians has been marked by liberality, forbearance, lenity, and magnanimity.

The Florida Indians are the remains of that ancient and warlike tribe known under the designation of the Natchez tribe on the Mississippi, which, being almost extirpated by the French, retreated along the northern coast of the Gulf of Mexico, and united with broken bands of Biloxies, Red Sticks, and runaway Creeks, called Seminoles. The word "Seminole" signifies "a wanderer or runaway." The largest portion of these Indians are lower Creeks, and are of the most dissolute, daring, and abandoned, of that tribe.

During the wars that succeeded our revolutionary contest, they were pressed down below the Spanish line into the country then the dominions of Spain, and now the territory of the United States. Their force was greatly increased by all who fled from the nation, when General Jackson invaded it in 1814. These Indians entered into a treaty of offensive and defensive alliance with the Spanish Government, as early as the year 1784.

By this treaty they were incorporated into the Spanish monarchy, with certain reserved rights, depending chiefly on the will of that Government.

By the treaty between the United States and Spain, of 1795, it was stipulated that the Spanish Government should restrain their Indians from committing hostilities against the United States.

In this state of things, the Floridas were ceded, in full dominion and absolute property, to the United States, by the treaty of the 22d February, 1819. In this treaty there was no allusion to, or provision for, these Indians, in any manner whatever. The two provinces of East and West Florida were delivered to the United States by the Spanish commissioners. The white population was confined to the towns of St. Augustine and Pensacola, and the whole region between these two places, one on the Atlantic, and the other on the Gulf of Mexico, distant four hundred miles from each other, was occupied in some sort by these roving savages. The United States took possession of the country, and one of the first questions that occupied the attention of the administration, or of Congress, was, what should we do with these Indians? It was then represented, even at that period, that they were reduced to great extremities for the want of the ordinary articles of subsistence. They had nearly abandoned the chase, on account of the scarcity of game, and their idle, vicious habits presented an insuperable obstacle to the cultivation of the soil.

To have acquired a territory of such extent, embracing one thousand two hundred miles of seacoast, to be left in possession of these Indians, was too absurd to merit one moment's consideration. The Secretary of War, Mr. Calhoun, on the 28th of January, 1823, in answer to a call of the Indian Committee, at the head of which was General Metcalf, late Governor of Kentucky, communicated various reports and correspondence; among which were several letters from the present President of the United States, then Governor of Florida. In one of these letters from General Jackson, dated the 20th of September, 1821, referring to a talk he had had with the head chiefs of the Florida Indians, he says: "They acknowledge that it is just that those who rejected peace when it was offered to them, and fled from their own country, continuing the war, ought to return to their own nation." The President proceeds: "I am of opinion, from the smallness of their numbers, and the shape of the Floridas, that it would be much better policy to move them all up, and amply to provide for them by an annuity."

General Jackson, in a talk to the Indians on the 18th September, 1821, told them, "those who fled from their nation, and joined in the war against us, must return to their country, where their chiefs are willing to receive them. They cannot be permitted to settle all over the Floridas."

The chiefs were satisfied with what was then communicated to them. By a letter subsequently addressed to the Secretary of War, he says: "The exposed situation of the Floridas imperiously demands that its frontier upon the coast should be immediately inhabited by white citizens." He states, "the lagest portion of the Seminoles are a part of the Creek nation;" and adds, "with what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our Government in 1818, set up such claims!"

After examining these documents, the Committee on Indian Affairs of this House reported that, in their opinion, the Indians, as a nation, own no land in Florida, except where it was granted to them by the Spanish authorities—that they stood in the relation of domestic dependent communities. This report was concurred in by the House. It was apparent, therefore, that it was the intention of the executive Government, as well as of Congress, that the largest portion of these Indians should be sent back to the nation to which they belonged—being, as I have said, runaway Creeks, and having no such attachments to the "bones of their ancestors" as is so often and so falsely ascribed to them; a mere fancy, much better suited to poetry, fiction, and romance, than what we know of their senseless and brutal characters.

Some time after this, a commission was authorized to treat with these Indians, and their negotiations led to this treaty of Camp Moultrie. It will be observed that, at this treaty, these very runaway Creeks, in direct opposition to the recommendations of General Jackson, and the deliberate views of Congress, as expressed in Governor Metcalf's report, were permitted, in conjunction with the others, to contract for and obtain the possession of about 5,000,000 acres of land in the peninsula of East Florida. I admit that this treaty constitutes a guarantee of possession, until changed or rescinded by some subsequent contract or convention. Within a few years after the conclusion of this treaty, the Indians were found actually in a state of starvation, and a large sum was appropriated by this Government. Ay, sir, a much larger sum than has been doled out by a reluctant hand to our own suffering fellow-citizens, who have a right to appeal to this Government for protection, and who were intended to be provided for under the generous resolution which passed this House with such unanimity at the commencement of hostilities.

In consequence of intimations given by these Indians, through their agent, that there was not sufficient game to support them, I was appointed a commissioner, in the year 1827, to offer them a country of sufficient extent to the west of the Mississippi, with a guarantee of title and possession forever, in exchange for the lands occupied by them in Florida. They were unwilling to go without an examination of the country, and I had no authority to enter into a contract to pay the expenses of a deputation; all which was reported to the Government. In 1831 or 1832 it was represented to this Government, by the Indians themselves, that they desired to form a treaty with the United States, to exchange these lands for others on the west of the Mississippi. Colonel Gadsden was appointed commissioner; and, in a council of all the head chiefs and warriors, fully represented, at Payne's Landing, on the 9th of May, 1832, a conditional convention was entered into.

In the preamble to this treaty it was recited that "the Seminole Indians, regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending a removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs should be sent to examine the country assigned to the Creeks; and should they be satisfied with the character of the country, and the favorable disposition of the Creeks to reunite with the Seminoles as one people, the articles of compact and agreement shall be binding on the respective parties."

By the first article of this treaty, which was thus to be binding upon the performance of two conditions precedent, the Seminole Indians relinquish to the United States all claim to land they occupy in Florida, and agree to emigrate, &c.

This same article provides for an additional extent of territory to be added to the Creek country for the Seminoles.

The second article provides that the United States shall make compensation for all improvements, and pay certain annuities.

The third article provides for goods to be delivered after their arrival. The fourth and fifth for blacksmiths and valuation of cattle.

By the sixth article, the United States are to pay $7,000 for slaves and other property alleged to have been stolen by the Indians.

The seventh article provides for their removal within three years, and that the expenses of the removal should be paid by the United States, with their subsistence for twelve months after their arrival.

This treaty was signed by James Gadsden on the part of the United States, and by fifteen chiefs and headmen from this vagabond Seminole nation.

The confidential chiefs and agents, in pursuance of the convention entered into, visited these lands west of the Mississippi in the year 1833, and in a treaty then and there entered into at Fort Gibson, on the 28th of March, 1833, with three United States commissioners, they express their satisfaction with the country assigned them; and the "favorable disposition of the Creeks" was manifested by a treaty solemnly entered into, by which they agree that the Seminoles should be reunited with them.

The treaty of Payne's Landing was to take effect upon the happening of two contingencies—the expression of satisfaction of the confidential chiefs, and the favorable disposition of the Creeks; both of which were ascertained, reported, and acted upon, and the treaty regularly presented by the President of the United States for the advisement and consent of the Senate, and due proclamation of the ratification made in April, 1834.

Now, sir, this is a faithful history of the relations and negotiations between this Government and the Indians up to the period when this treaty was ratified, proclaimed, and published, and became the supreme law of the land; to execute which this appropriation has been proposed and passed by the Senate. The United States have set apart the lands, paid the annuities, and in every form and manner executed with fidelity, and the most scrupulous honor, all their stipulations.

We are now told, for the first time, that this treaty is not binding, and we are called upon to set it aside. We are called upon, too, by gentlemen who complain most loudly against the nullification by Georgia of a decision of the Supreme Court, made in support of the rights secured to Indians under the treaties with this Government. I demur to the jurisdiction of this House, and deny its authority to vacate or annul a treaty ratified by the Senate, and proclaimed by the President as the law of the land. I go further: I deny the authority to withhold an appropriation to execute an existing treaty, or to refuse to supply the subsistence to those Indians who have removed, or those who may go or be removed during the present year. This House, by a unanimous vote, decided that, in their opinion, the French Chamber of Deputies had no right to refuse the appropriation to carry into effect our convention with France, and that the treaty must be insisted upon. I might ask whether any gentleman who voted for that resolution can consistently vote against an appropriation to execute this treaty? I say this treaty! Have we authority in this indirect way to vacate it?

I proceed, however, to examine the grounds on which it is attempted to be impeached, and I will show they are as deficient in sound argument as they are fallacious in principle.

The first ground taken is, that this treaty is void because it was not presented to the Senate at the first session after its conclusion, for ratification.

To this I have first to answer, that neither the constitution, the usages of this Government, nor the principles of international law, require any such thing. On the contrary, what is now contended for, for the first time, is condemned both by practice and principle. We have examples under this Government in which the executive and legislative departments have, in their intercourse with foreign Governments, maintained the reverse of what is now contended for by the gentleman from Vermont. The Florida treaty was concluded the 22d of February, 1819, and was not ratified by the King of Spain until late in the year 1821. We did not then argue that that treaty was void. On the contrary, the distinguished gentleman [Mr. Adams] over the way vehemently maintained that it was a treaty from the date of its signature by the respective plenipotentiaries, and the President and Congress maintained the same ground.

The French convention, which has so recently excited such deep interest from one end of this country to the other, was signed at Paris on the 4th of July, 1831, and a contest has been carried on for the last two years whether this was a treaty or not, without the confirmatory approbation of the French Chambers in the form of an appropriation. This House resolved unanimously to insist upon it as a treaty.

Here, then, is a treaty, signed by the competent authorities, dependent upon two acts, which the President and Senate, to whom have been confided by the constitution the diplomatic relations of our Government, have decided to have been performed, the treaty ratified in due form of law, and yet it is proposed to vacate and nullify it by a self-constituted "*aula regis*," which assumes to decide what the constitution never gave them, the right to inquire into and to set at naught the supreme law.

I proceed, however, to the second ground alleged by the gentleman. If I understood him correctly, he maintained that because one third of these Indians had not been removed in 1833, and one third in 1834, the whole could not be removed in 1835, when the treaty required that the last of them should be removed. That they did not go and examine the country, and report their agreement, or dissent, in time for one third to remove in 1833, was their own fault, or omission, which, upon any principle of national law, they cannot claim as a release of their obligation. The final period fixed for the removal of the whole tribe expired in May, 1835. Whether the delay of the two preceding years was produced by the acts of the Indians, or the omissions of the Government, is a matter which in nowise invalidates the obligatory effects of the treaty. It does not appear that the Indians, through their agent, complained, and no one has a right to complain for them.

If it really be a hardship upon these Indians to execute their agreement, and remove to the westward, one third of the nation has had the benefit of two years' residence in Florida longer than was contemplated and agreed upon, in consequence of their omission, and of course cannot complain of the Government for this forbearance and indulgence. The treaty was ratified in 1834. The period arrived when, by the expiration of three years, the tribe were to remove. They manifested some reluctance to execute this contract, and, after various equivocations, delays, and impositions, they were told they must go. Yes, sir; this cruel and inhuman Government, who were urged on by some gentlemen who are now opposed to this appropriation to make war on France for a delay in not executing their contract, signified to the Indians, as they did to Louis Philippe, that we insisted upon the treaty; they were further told that if they longer delayed to perform what they had promised, after they had accepted the annuities and considerations stipulated by this Government, they must be forced. This is the cruel injustice so much complained of by the gentleman from Vermont. After some remonstrances and petitions on their part to the commanding general, they entered into a new agreement with him, which has been printed and placed on our tables, communicated by the President in a special message, which I will read:

"We, the undersigned chiefs and sub-chiefs of the Seminole tribe of Indians, do hereby, for ourselves and for our people, voluntarily acknowledge the validity of the treaty between the United States and the Seminole nation of Indians, made and concluded at Payne's Landing, on the Ocklawaha river, on the 9th of May, 1832, and the treaty between the United States and the Seminole nation of Indians, made and concluded at Fort Gibson, on the 28th day of March, 1833, by Montford Stokes, H. L. Ellsworth, and J. F. Schermerhorn, commissioners on the part of the United States, and the delegates of the said nation of Seminole Indians on the part of the said nation; and we, the said chiefs and sub-chiefs, do, for ourselves and for our people, freely and fully assent to the above-recited treaties, in all their provisions and stipulations.

"Done in council at the Seminole agency, this 23d day of April, 1835.

[*Signed by sixteen chiefs and sub-chiefs.*]

"In presence of
"D. L. Clinch, Brig. Gen. U. S. A.
"A. C. W. Fanning, Brevet Lt. Col. U. S. A.
"C. M. Thruston, Captain 3d Regt. Artillery.
"T. W. Lendrum, Captain 3d Regt. Artillery.
"Joseph W. Harris, First Lieut. 3d Artillery.
"Wiley Thompson, Superintendent to remove Seminole Indians."

It appears by this agreement, thus voluntarily entered into, that a further time of nearly one year was given to them, upon a solemn pledge that they would execute their agreement, in conformity with the provisions of the treaty, by a removal to the land assigned them. This agreement was signed by sixteen chiefs.

Some time after this, Powell, who had made the greatest difficulty, came in and signed the same agreement voluntarily, as detailed in the report of the War Department, which I will read:

"General Thompson, in a letter of the 3d June, reported that Powell, one of the most influential chiefs of Seminoles, had behaved so badly in his office that he was put in irons and confined. On the next day, however, he signified his regret, and his willingness to sign the agreement and emigrate. To test his sincerity he was released, and had five days given to him, while at liberty, during which he could come forward to affix his name to the instrument the others had signed." "True to his professions," says the agent, "he this day appeared with seventy-nine of his people, men, women, and children, including some who had joined him since his conversion, and redeemed his promise. He told me many of his friends were out hunting, whom he could and would bring over on their return. I have no doubt of his sincerity, and as little that the greatest difficulty is surmounted."

Between the 25th of April and the time of gathering their crop, the whole period was employed in preparations for war. The period arrived at which, by this new agreement, the Indians were to remove. It will be observed that this was the third contract signed by all the chiefs, with the prolongation and indulgence I have referred to. In violation of these promises and conventions, they commenced open hostilities against the unoffending inhabitants of Florida, laid waste and desolated three counties, destroyed more than a million of property, and massacred one hundred of your best officers and troops, before any force could be called into the field to resist them.

Now, if the validity of this treaty is to be determined by this House, according to the rule prescribed by the gentleman from Vermont, upon an inquiry whether "our quarrel is just," I ask every member of this committee whether, before God and all mankind, our cause is not just?

You have seen that, under the Spanish Government, these Indians, as a nation, owned no lands in Florida. You have seen that, by a treaty with the Spanish Government, they had acknowledged the Spanish King as the lord and sovereign of the country; and that his Catholic Majesty had ceded the provinces to the United States, without any stipulation for these Indians. I have referred to the message of President Monroe, and the communication of the Secretary of War, (Mr. Calhoun,) in 1823. I will now read a part of the report of the Committee on Indian Affairs, made at the second session of the seventeenth Congress, in pursuance of the opinions then entertained and expressed by the administration of Mr. Monroe.

The committee say:

"By referring to the documents which were communicated to the committee by the honorable Secretary of War, it will be found that, previous to the cession of Florida to the United States, the Indians were incorporated among the subjects of his Catholic Majesty, and that each Indian had a right to land as well as, and on the same footing with, white, free black, and colored subjects, in any part of the province; a right to lands individually, but none nationally; as the full and complete jurisdiction and sovereignty was vested in, and exercised by, the Spanish Government."

You have seen that, notwithstanding these opinions of President Monroe and his administration; of a committee of the House of Representatives, concurred in by the House; of the recommendations of General Jackson, then Governor of Florida—in the face of all these, a treaty was made with these Indians, guarantying to them the possession of five millions of acres of land in East Florida; and that, from their lazy, indolent, and vicious habits, when they were in a state of actual starvation, they were relieved by the charity of this Government, until, by their own act, and upon their petitions repeatedly presented, they surrendered, by treaty, this country, thus improvidently granted to them in the first instance, and, after two ratifications of the same, they commenced a barbarous, unprovoked, and ferocious war upon men, women, and children; and we are now in this hall called upon to decide whether our "quarrel be just," before appropriations are made to force them to execute this treaty.

I have thus given you a history of the acts of this Government in reference to these Indians, by which it will appear that, from the period of President Monroe's administration to the present day, the conduct of this Government has been marked by forbearance, moderation, and humanity, to these miserable, half-starved, runaway rogues and assassins, in whose favor some sympathy and commiseration are attempted to be excited, at a moment when their tomahawks and scalping-knives are reeking with the blood of innocent women and children, and when your whole Southern frontier is agonized by this ruthless and unprovoked war.

We are told that the first act of hostility abrogates all treaties; and, after the most unsuccessful military operations, in which we have failed to chastise this banditti, that we are to inquire whether it is not better that this Government shall abandon the idea of compelling, by forcible means, the execution of this treaty, thus made, ratified, and sanctioned. This would, indeed, be adding disgrace to misfortune, and prove that this Government, like that of Rome, after Augustus, had at this early period become afflicted with a dropsy at the heart and a paralysis in the limbs.

Sir, if we are to abandon this whole frontier and seacoast to this miserable gang of desperadoes, there is not a Power on earth that will not despise us for our impotence and pusillanimity.

The gentleman from Vermont has read papers detailing the conduct of our Indian agent in cashiering and deposing five chiefs; which act he omitted to tell the House was disapproved, condemned, and censured, by the President and Secretary of War. He has also referred to other acts of this agent and General Clinch, which seem to me to be only referred to in odium of the Government. Whatever may have been the good or evil deeds of this agent, he has gone to his last account, falling a victim to that treacherous hand which, in token of friendship, received from him the rifle which became the fatal instrument of his own destruction.

The language of General Clinch was that which he was instructed to use by the President of the United States. And what was that language? It was to inform these deceitful, equivocating barbarians, that, unless they complied with their contract, they should be forced to it. There are some gentlemen on this floor who were prepared to use this language to that gallant and high-minded nation with whom we were recently on the eve of a serious difficulty. It has been intimated that this difficulty was precipitated by an attempt to secure, by some means, fair or foul, the negroes that these Indians had stolen from the citizens of Georgia many years ago. It has been said, too, that application was made to the Indian office, and an intimation given by the Commissioner of Indian Affairs, that, notwithstanding the intercourse law of 1802, individuals without license could be permitted to purchase these negroes. It has been said that individuals, acting upon this opinion, had proceeded to the agency, and although they were not permitted to enter the nation, that they intimated to Indian negroes at the agency their objects and purposes; which, being communicated to the negroes of the nation, was one of the primary causes of this violation of the treaty, and of the desolating war which succeeded.

Of this I know nothing. But I have prepared a resolution calling for this information, which, if true, may call down upon those concerned in it the consequences which must follow from such a development.

I must here notice a letter which has been read from the Governor of Florida, dated in March, 1835. Of the contents of this letter I never heard, before it was read by the Clerk, at the instance of the gentleman from Vermont. This letter, as I understand it, expresses the doubts of the Governor of the validity of the treaty of

Payne's Landing, in 1832. It proceeds to warn the Government of the consequences of attempting to enforce it. The Governor is about the last authority that I should appeal to for the correct construction of, or an enlightened opinion upon, a treaty of this Government, even with an Indian tribe. He will find himself in a new position when he sees himself quoted by those who never acknowledged his authority on any other subject, to assail the administration, and to impeach one of its treaties. I do not know whether I can quote the precise words, in the hasty manner in which the letter was read; but if I understood properly a sentence in that letter, it was, "that the people want the land of the Indians, and will urge their removal, *per fas et nefas*." This is a grave charge, if the Governor understood the meaning of the terms. I undertake to say that the people of Florida have never desired the lands of these Indians, and have never urged their removal, and that they are incapable of so base an act as that of urging their removal *per fas et nefas*.

The Governor proceeds to say that the speculators are anxious to get possession of the "Big Swamp." Now, sir, he did know, or ought to have known, that this "Big Swamp" is owned by a most estimable and honorable gentleman at Tallahassee, whose title has been confirmed by the Supreme Court of the United States, upon a valid Spanish grant; that court having decided that the title of the lands was in the Spanish Crown, which was competent to convey, by grant, the fee, and that that was not incompatible with the Indian right of occupancy. Now, I will venture to say that this gentleman, the proprietor of the land, has never expressed even a desire to any officer of the general or local Government to get possession of this land; and I know him to be incapable of doing it *per nefas*. He has always believed, as every sensible man must believe, that it was impossible that the Indians could remain in that location; and that both the policy of the Government and the preservation of the Indians, as well as the security of that whole frontier, required their removal. He would have had an undoubted right to demand of this Government the possession of his land, confirmed by the treaty with Spain; and being, at the date of the treaty of Camp Moultrie, private property, could not be appropriated to the use of the Indians, without a violation of the constitution and treaty with Spain.

I will not charge, positively, any other than a patriotic motive for this letter, though we might find in the position of the Governor a much more forcible reason than he can assign for this disreputable charge on the people of Florida, by the supposition that he may have desired the continuance of the Indians, upon which his salary as superintendent depended. He urges either their continuance or further negotiations. Upon one a salary depended; and upon the other, as the Governor is always *ex officio* commissioner, as well as *ex officio* superintendent, he was to negotiate, at the rate of eight dollars per day; and, in either event, was an interested witness against this treaty.

The President is not a man for new negotiations, when a plain contract has been made and violated. His maxim, of maintaining "what is clearly right," applies here. My only regret is, and my suffering constituents will participate in it, that the Government, being forewarned, was not forearmed for this conflict. The Secretary of War, animated by his clemency and humanity, from the purest motives of a kind heart and charitable disposition, was for using persuasion and expostulation, instead of placing at the disposition of General Clinch a force sufficient to chastise these contumacious savages.

The gentleman from Vermont, in reading from one of the documents, of which he has such a mass before him, has given us the true secret of the hostility of these Indians. The fact there developed, combined with the attempt to get their negroes, gives us the clue to this disastrous affair. He states that some of this confidential delegation informed a portion of the tribe in Florida that the Creeks would compel them to account for that portion of the negroes in their possession which had been stolen by the Creek nation from citizens of the State of Georgia. Here, sir, is the denouement of the whole plot. The Creek nation of Indians, by the treaties of Shoulderbone, Galphington, and Augusta, and, perhaps, in some subsequent ones, stipulated to pay for all property destroyed by their men belonging to the citizens of the State of Georgia. It appears that this nation had destroyed and stolen from the people of the State of Georgia property to the amount of about $250,000; and that, in a treaty subsequently entered into with the Creek nation by the United States, this Government received from that nation lands, and consented to pay, in exchange for them, the Creek debt to the citizens of Georgia. As these roving Seminoles and fugitives had taken their portion of the plunder within the Spanish territories, and have concealed these negroes within the depths of that almost impenetrable forest, the Creeks were disposed to avail themselves of the contemplated contiguity of possession to call these hardened criminals to account for having fled within the Spanish territory with these slaves stolen from the people of Georgia, for which the Creeks had paid in the manner I have before mentioned. This, with the attempt of others to get their negroes, is, no doubt, the cause of the war. We may add one additional reason: and that is the impossibility, with their habits, of obtaining subsistence without plunder.

It will be seen that these desperate rogues, in their treaty of Payne's Landing, anticipated the possible identification of some of the slaves they have stolen, and they provide, to quiet such and leave them in possession of this plundered property, that the United States shall pay $7,000 to get rid of the claims.

I must here remark, sir, that the history of this Government does not furnish an instance in which a border population has lived in so much peace and harmony and quietude as that of the people of Florida, in the vicinity of these Indians. There have been no criminations and recriminations or collisions in ten years, except the one referred to by the gentleman from Vermont. The Indians have repeatedly crossed the lines, and stolen the cattle of the inhabitants. The sufferers have chosen rather to pass these trespasses by, than to trouble this Government with petitions, or to come in conflict with the Indians. They preferred to bear and forbear, as long as it was practicable to preserve the peace of the frontiers; and what has been their reward? The destruction of all their property by these ferocious savages; and we are now to debate the question, whether our cause is just, before we decide whether an appropriation is to be made to carry into effect this treaty.

It is even denied that it is a treaty. The question, in fact, is, however it may be presented, whether we shall take part with the Indians, or with our Government and people.

I set out with three propositions, which I think the documents and arguments I have referred to and employed will prove to the satisfaction of a large majority of this House.

The first is, that these Indians have been treated with lenity, humanity, and indulgence, by this Government. Upon this point I do not propose to make any further observations.

I maintain, in the second place, that whatever may have been their rights of soil or of occupancy under the Spanish Government, and by virtue of the treaty of Camp Moultrie, such right was extinguished by the treaty of

Payne's Landing, and their ratification of it at Fort Gibson. I have shown that the Senate have ratified, and the President proclaimed, this as a treaty. I deny that the House of Representatives have the constitutional power, in this informal and incidental manner, to inquire into, or vacate, that which the President and the Senate have proclaimed and published as a subsisting treaty. I go further: the House of Representatives themselves have acted upon this instrument as a treaty, and have provided the appropriations for the annuities of the Indians stipulated in it. Two co-ordinate branches of the Government, whose duty it is to see the laws executed, have pronounced this of binding obligation by all the sanctions of solemn legislation; and I have shown that it cannot be impeached under any provision of the constitution or laws of nations. The question then presented is, are we to confess ourselves beaten, acknowledge that we were in fault, "sue for peace" in a more humble attitude than Oseola did to General Gaines, and give up the contest?

The breaking out of war puts an end to treaties. This war is commenced by the Indians. Are we to yield, or are we to maintain that these Indians have, by treaty, surrendered all the lands they own in Florida, and that we will compel them to execute this treaty, or annihilate them by force of arms? I am sure, if this question is presented to the American people, there can be but one answer; and that is, that, as long as we maintain, among the nations of the earth, a character for justice, and honor, and courage, we are not to be bullied, whipped, or driven, into such a debasing alternative. I appeal to all those gentlemen who represent districts of country which have long since been happily freed from such an annoyance, whether there is an instance in the whole United States in which more lenity has been used, and whether this is an occasion in which any misplaced and sickly sentimentality can be employed, when a savage enemy, who has violated your treaties, and is destroying your countrymen, is to be indulged, either to assail the administration, or to prevent an appropriation for carrying into effect your treaties?

In the third place, I maintain that this House has no jurisdiction, under the constitution, to annul a treaty; and that you cannot refuse to appropriate money for the removal and subsistence of the friendly portion of the Seminole Indians, or of those who may be subdued in the progress of this unfortunate and ill-conducted war, which is to recommence when our troops leave their "summer quarters."

I invoke gentlemen, upon such a question, to disregard all party considerations, and look upon it as it is presented under the constitution and the treaty.

It is not my province to speak of the origin and causes which led to this Creek difficulty. There are individuals here who represent the States in which this war is now raging. It is for them to defend the course of the States of Alabama and Georgia. Whatever irritation may have been produced by speculations in Creek lands, I am satisfied that the true cause of this Creek war arises from the circumstance of the great extremity to which the nation is reduced for the want of provisions, and that it is a war waged for plunder, and to prevent starvation. Under these circumstances, I am satisfied that both sound policy and humanity require that this appropriation should be made for their removal.

Mr. VINTON said there were documents in relation to this subject which had been ordered to be printed, but which had not yet been laid on the tables of the House. As it was indispensable that the information contained in those documents should be in the possession of the House, before acting on these appropriations, he hoped the bill would be postponed till all the evidence was sent in. He therefore moved that the committee rise.

Mr. LAWLER stated a fact that he had received a letter only yesterday, from a source in which he had the utmost reliance, containing the assurance that the upper Creeks were prepared for emigration, were encamped for the purpose, but were utterly unprovided, and were begging for agents. He had also other authentic intelligence to the same effect. He therefore put it to the gentleman whether that committee were not bound to act promptly.

Mr. VINTON replied that there was a sum of one hundred and fifty odd thousand dollars already appropriated for the purpose. Let the Government, then, send on an agent with that; and, in the mean time, the House could consider of the propriety of appropriating more money. Let the gentleman from Alabama accept the amendment of the gentleman from Vermont, [Mr. Everett.] The amendment of the Committee on Indian Affairs contemplated the forcible removal of the Creeks. Mr. V. then withdrew the motion that the committee rise.

Mr. GLASCOCK hoped the committee would act finally on this bill without rising. He was sure no gentleman from the South desired to suppress the fullest investigation, either in relation to the National or the State Governments, as regarded the conduct of either towards the Indians. For himself he desired it. Mr. G. said he wished to address the committee at length; but as the gentleman from Ohio had the floor, he would yield it to him, and he hoped that gentleman would proceed. He had no doubt the gentleman knew the contents of those papers.

Mr. HAYNES said the gentleman from Ohio had fallen into an error. The amendment of the Committee on Indian Affairs did not contemplate the forcible removal of the Indians.

Mr. VINTON said he did know the contents of those papers, and he therefore renewed the motion that the committee rise, so that they might be put in possession of them. Mr. V. withdrew the motion at the request of

Mr. ADAMS, who said that, until that morning, no information had been furnished to the House in regard to the immediate causes of the Indian war. Mr. A. then went on to reply to the gentleman from Florida, [Mr. White,] and adverted to the effect of the amendment of the committee.

Mr. BELL explained, that forcible removal was not contemplated by the amendment.

Mr. HAYNES was at a loss to conceive how the amendment could be interpreted to be intended to go further than the provisions of the treaty. Nothing like forcible removal was certainly embraced in it.

Mr. ADAMS resumed. The question was, whether we were at peace or at war with these Indians. If the latter, force must be contemplated. He went on to argue this point at some length, and to reply to the gentleman from Florida. He said no information had been furnished to the House, by which it could tell whether these appropriations were asked to carry on an offensive war, or to carry into effect the provisions of a treaty. In reference to the latter point, he quoted a letter of the Governor of Georgia, which said the "Indians must be removed at the point of the bayonet." If this was to be considered carrying a treaty into effect, it was a most extraordinary mode.

Mr. BELL said a few words in explanation. He understood that there was a large proportion of the Creeks who were neither hostile, nor inclined to be hostile, but were desirous to emigrate. It was with reference to them alone that the appropriation was recommended by the committee, and no force was intended to be applied to them. Specific appropriations for the hostile portion of the Indians had already been made.

After a few remarks from Mr. ASHLEY, the committee then rose and reported.

The Speaker having resumed the chair,

Mr. **WHITE**, of Florida, by leave, offered a resolution requiring certain information from the Secretary of War, in relation to Seminole licenses in the winter and spring of 1825; which was considered and agreed to.

Mr. **BELL**, on leave, offered a resolution, calling for certain information from the same Department in relation to the Creek hostilities.

Mr. **CAMBRELENG** hoped the gentleman from Tennessee would make this bill the order of the day for Monday at 12 o'clock. Mr. C. said, on to-morrow at 12 o'clock he would call up the "fortification bill." He could not help expressing his astonishment that information in relation to the origin of the Seminole war should be called for at a moment when this bill was under consideration, and when it was admitted on all hands that the Indians were starving, and were being driven into hostility.

Mr. Bell's resolution was then considered and agreed to.

The House then adjourned.

Saturday, June 4.

THE PEA PATCH.

The "bill to authorize a compromise, and secure to the United States the title to the Pea Patch Island, in the river Delaware," was the first bill in order, the question being on its final passage.

Mr. **MILLIGAN** moved to lay it on the table.

Mr. **REYNOLDS**, of Illinois, asked for the yeas and nays; which were ordered, and the question was decided in the affirmative: Yeas 96, nays 87. So the bill was laid on the table.

FORTIFICATION BILL.

Mr. **CAMBRELENG** said that the period of the session was so late, and there were so many important bills before the House, he felt compelled to move a suspension of the rules, for the purpose of proceeding with the consideration of the "bill making appropriations for certain fortifications for the year 1836," and on that motion asked for the yeas and nays; which were ordered.

Mr. **KINNARD** moved to amend the motion by including the bill from the Senate in relation to the Cumberland road.

Mr. **ALLAN**, of Kentucky, moved to include the bill in relation to the revolutionary soldiers.

Mr. **BRIGGS** moved to lay the motion to suspend on the table.

Mr. **CAMBRELENG** called for the yeas and nays; which being ordered,

Mr. **BRIGGS** withdrew his motion, and

Mr. **WILLIAMS**, of North Carolina, renewed it.

Mr. **REYNOLDS**, of Illinois, asked for the yeas and nays; which being ordered,

Mr. **WILLIAMS** withdrew the motion.

Mr. Allan's motion was then negatived.

Mr. **ASHLEY** moved to amend the motion of the gentleman from Indiana, [Mr. Kinnard,] by including the bill to continue the national road from the Mississippi to the city of Jefferson, Missouri. Lost.

Mr. **McCARTY** then asked for the yeas and nays on the amendment of his colleague, [Mr. Kinnard;] which were not ordered, and the amendment was not agreed to.

Mr. **SEVIER** moved to include in the motion of the gentleman from New York the two bills for the admission of Arkansas and Michigan into the Union. He remarked that he hoped the House would consent to take up those bills, consider them, and stick to them till they were disposed of. The motion was lost.

The question then recurred on the original motion of Mr. Cambreleng, and it was decided in the negative: Yeas 95, nays 89—not two thirds.

McCLELLAND AND SMITH.

The "bill for the relief of Thomas McClelland and James Smith" was taken up, the question being on its final passage.

Mr. **MANN**, of New York, opposed the bill; and, after some further remarks from Messrs. **LANE, BELL, HARDIN, PARKS, PIERCE** of New Hampshire, **TOUCEY, GARLAND** of Virginia, **WHITTLESEY** of Ohio, and **MASON** of Ohio,

Mr. **MANN**, of New York, moved to recommit the bill to the Committee of Claims. Lost.

Mr. **CRANE** asked for the yeas and nays on the passage of the bill, which were not ordered; and the question being taken, the tellers reported yeas 66, nays 51—no quorum.

Mr. **MANN**, of New York, then renewed the call for the yeas and nays; which were ordered, and were: Yeas 88, nays 62. So the bill was passed.

CONVENTION WITH SPAIN.

Mr. **ADAMS**, on leave, from the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the "act to carry into effect the convention between the United States and Spain," made a report thereon, (which had been already concurred in by the Senate,) which was concurred in by the House.

POTOMAC BRIDGE.

On motion of Mr. **BOULDIN**, the House took up the joint resolution authorizing the repair of the Potomac bridge, and the same was read a third time and passed.

JOHN McCARROLL.

The "bill for the relief of John McCarroll, Jr.," was read the third time, the question being on its passage; and, after some remarks from Messrs. **MANN** of New York, **HAWES, TALIAFERRO, UNDERWOOD, MERCER, BOULDIN, CHAMBERS** of Pennsylvania, **MASON** of Virginia, **VINTON**, and **PARKER**,

Mr. **PARKER** moved to postpone the bill till Friday next. Lost.

The discussion was further continued by Messrs. **HUNTSMAN** and **McCOMAS**; when

Mr. **JOHNSON**, of Louisiana, moved the previous question; when 42 only voting in the affirmative, (there being no quorum present,) Mr. J. withdrew the motion.

After some further remarks from Messrs. **HUNTSMAN** and **PARKER**,

Mr. **ANTHONY** moved an adjournment; which was carried, and

The House adjourned.

Monday, June 6.

ADJOURNMENT OF CONGRESS.

Mr. **MANN**, of New York, rose and said it should be recollected that about this period Congress was now in the seventh month of this session, and that public expectation was already awakened to the period about which they were to close their labors. Several efforts had been heretofore made to suspend the rules to introduce a resolution with a view to fix the day of adjournment of Congress; and he would now submit a motion to the Chair, which he hoped would meet the assent of the House.

Mr. **THOMAS** asked the gentleman from New York to suspend his motion for a few moments, to give him (Mr. T.) an opportunity of saying a few words in relation to the Maryland resolutions.

Mr. **MANN** replied that he would comply with the request of the gentleman from Maryland, but those resolutions would come up as soon as the motion Mr. M. intended to submit was disposed of. Mr. M. then moved to suspend the rules for the purpose of taking up the joint resolution of the Senate fixing the day of adjournment of the present session of Congress. If the House should consent to take it up, he gave notice that he would then move to postpone its further consideration till some early day next week, when there might be a general understanding on the subject.

Mr. BRIGGS remarked, as it was important there should be a full House present on this subject, he moved a call of the House. Lost.

Mr. BRIGGS then asked for the yeas and nays on the motion to suspend the rules.

Mr. WHITTLESEY, of Ohio, expressed a wish that the gentleman from New York would withdraw his proposition, so that they might have an opportunity that morning to present petitions and memorials.

Mr. MANN replied that his motion would not take up more time than the calling of the yeas and nays, and he could not, therefore, consent to withdraw it.

The yeas and nays were then ordered; and, on taking the question, the vote was, yeas 90, nays 63.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

MARYLAND RESOLUTIONS.

The joint resolutions of the Legislature of the State of Maryland, recommending the subject of the distribution of the proceeds of the sales of the public lands among the several States of the Union, presented several weeks ago, came up as the first business in order.

Mr. THOMAS then rose and spoke, in substance, as follows:

Mr. Speaker: Before this subject is disposed of, I desire to say a few words. In the National Intelligencer of Saturday, the remarks of my colleague, [Mr. Jenifer,] made some time since, in Committee of the Whole on the state of the Union, are published. They form a part of the proceedings of Congress, and will constitute a portion of the debates of this House, to be published possibly hereafter in permanent form. The article in the Intelligencer is therefore essentially different from an ordinary newspaper publication. This being the case, I can with propriety advert to it, without subjecting myself to the just censure of those who rightly complain of the time which is consumed here, in unprofitable discussions of irrelevant matters. If the publication in question did not form, as it does, a part of our proceedings, however it might concern me personally, it would not be noticed on this floor. As it is, the House will pardon a few remarks.

It will be remembered that the gentleman, [Mr. Jenifer,] late at night on the 24th of May, when the fortification bill was under discussion, and when the House was very impatient to dispose of that measure, rose to address the Chair, and requested me particularly to attend to what he had to say concerning "the State of Maryland, himself, and myself." Thus invited, I could not, reluctant as I was to perform a part in the scene, refuse to take a seat where I could hear what was to be said. After I discovered that it was the purpose of the gentleman to comment on the language used by me, when he had presented the resolutions from Maryland, concerning the power of either House of Congress to expunge entries from its journal, I felt a strong desire to induce him to postpone what he had to say on this subject until the resolutions themselves came up for consideration. With that view, (seeing that the gentleman had so far extended his remarks that I could not, and would not then, interrupt the business of the House long enough to reply,) I asked him not to detain the committee, but to publish what he had to say, and promised to reply through the same medium, if any reply should become necessary. To this request he responded by declaring that he was responsible for what he said, or for what he might print. This induced me to ask whether I was to consider any thing which had been said to be of a personal character. And he replied, "No, sir; not at all." Now, sir, this disclaimer is omitted in the published speech; while several phrases of a questionable character are retained, especially that just named. This imposes on me the necessity to ask the attention of the gentleman to one or two sentences in this publication that are calculated to do both of us injustice. They are somewhat equivocal, and ought not to be so. It is due to him that there should be no doubt as to his intentions, and it is due to me that nothing of this character should be left to conjecture.

In the publication in the Intelligencer, the gentleman is reported to have said, although my colleague says "he did not object to the reception of the resolutions on account of their contents, I will undertake to show, from irresistible inferences, that it was to the contents alone, to which he did object." And again he is reported to have said, "and yet my colleague, from the upper district in Maryland would have you believe that it was not the contents of those resolutions to which he objected.

That there may be no missapprehension as to the meaning to be attached to the words here quoted, I ask the gentleman to say whether it has been or is his purpose to question or bring in question my veracity?

[Mr. Jenifer rose, and after referring to other portions of the former debate, concluded by declaring that he had no intention to impeach the veracity of Mr. Thomas.]

Mr. Thomas proceeded, and said he was satisfied. He had a right to expect such a reply, and was glad that it had been given, as it was equally due to his colleague and to himself. He was done with it. These personalities were to him very annoying in one particular. It is generally believed that all who are concerned in them delight in and seek that miserable ephemeral notoriety—not fame—which they are calculated to secure. And, for one, he did not desire for a moment to possess that reputation with any intelligent being.

Mr. T. said, that having disposed of that which concerned him as a man, he would notice those parts of this published speech that concerned him as a representative. He would not reply to that part of his colleague's remarks which related to the two gentlemen from the city of New York, except to say that there is a strange incongruity in some of its sentences. The gentleman [Mr. Jenifer,] has declaimed warmly against our profligate expenditures," and says "many of the appropriations have been unprecedented, extravagant in the highest degree, and uncalled for by any system of economical expenditure." "It is the policy and determination to squander it [the public money] away upon useless objects, sooner than there shall be a surplus to be returned to the people by an equitable distribution among the States." This is certainly strong language; these are bold charges; but the force and effect of the one and the other must be entirely destroyed when a preceding sentence in the same speech is adverted to. There the gentleman has declared: "Mr. Chairman, for myself, I have opposed no obstacle to the appropriation bills proper, more particularly that for the defence of the country externally, and that for the suppression of hostilities within our borders or upon the frontier."

It so happens that we have passed no bills making appropriations which could, with any plausibility, be denounced as extravagant, and calculated to increase the patronage of this Government, or diminish greatly and improperly the surplus revenue, but those to the passage of which the gentleman says he has "opposed no obstacle." And assuredly complaints about "profligate expenditures" come with an ill grace from any one who cannot show, at the time they are uttered, that he has, at least by his votes, endeavored to enforce a system "of economical expenditure." If he has not voted against either the navy bill, the civil list bill, the fortification bill, or any one of the bills intended to provide for the defence of our frontiers, and the suppression of Indian hostilities, he must share, with the rest of us, the responsibilities attached to the passage of them all—a responsibility which I think cannot be considered very onerous.

After having disposed of these grave matters, the gentleman has proceeded to settle an account with me, which, we are told, concerns also himself, myself, and the State of Maryland. Well, I could be content to pass over this settlement without correcting its errors, for it is intended, I presume, especially for the benefit of the people whom we in part represent; and as they would readily correct the gross errors which the gentleman has committed, I could with great propriety leave the whole settlement to be corrected by them; but as I am up, I will detain the House with a few remarks.

It is remarkable that he has not attempted to justify the conduct of that part of the people of Maryland who persist in resisting all amendments of the constitution of that State, calculated to do justice to those who are not only a very large majority of the people, but who pay much, very much, the largest proportion of all the revenues that are collected by the State for public purposes.

The truth is, this conduct of the minority of the people of Maryland, who have accidental control of the Government, is such, so unjust, so tyrannical, and anti-republican, that it would be an unpleasant task to defend it before such an assemblage as this. It may be vindicated before an audience in one of the small counties, or in the borough of Annapolis, where your hearers are deeply interested in perpetuating these monstrous abuses; but in an assembly like this, constituted as it is of men who have imbibed the liberal doctrines of the age on the subject of the rights of man, it would be indeed to an ingenuous man a most odious and irksome task to vindicate the antiquated and obnoxious constitution of Maryland. Avoiding a work of that character, the gentleman has thought proper to tender collateral issues. Foreseeing, perhaps, that he would be discomfited in an attempt to show that the Legislature of the State is so constituted as to be authorized to speak for the people concerning national politics, and apprehensive, probably, in an effort to exhibit any thing peculiar in the condition of the people of Maryland that required the majority to submit to the dominion of the minority, he has discreetly discussed other matters, meriting a passing notice.

The grave matter to which I shall advert is that introduced in these words: "I will only refer you to my colleague, [Mr. Thomas,] who sits by me. His political experience will inform you how easy it is to have washed out the deepest dye of federalism, even if derived from the blood of forefathers." In this the gentleman is mistaken. I have not certainly the required experience in my own person. There has never been any "deep dye of federalism" to be washed out. I have never assumed and have never felt the slightest responsibility for the acts or principles of either of the political parties of this country, done or entertained before I reached manhood. As to the period when that occurred, it would be unkind to compel me to speak with entire precision. Being a bachelor, and of course more than five-and-twenty, (for without that I could not be here,) I am of that age when a single man dislikes to tell his birthday. This I can say, however: I was not born in 1798, and never had an opportunity to vote for any Chief Magistrate, until I voted for General Jackson, in November, 1824. From that time until now I have continued to be an open, ardent, undisguised, member of that political party with which I am now identified. This party was first organized and known in Maryland as the Jackson party. Since then it has assumed the style and title of the democratic republican party; and with that name emblazoned on our banner, we will carry on the contest until my own native State is regenerated and redeemed. With this change of name there has been no abandonment of principle. We organized in 1823, to aid in the elevation of General Jackson to the presidency. We reorganized in 1827, to vindicate the sovereignty of the people, assailed as it had been in the election by Congress of an individual to the presidency who was not the choice of a majority of the people. And we have, under the administration of the present Chief Magistrate, done much to harmonize the conflicting interests of the country, brought into dangerous collision by the rivalry of ambitious statesmen. With the politics of my party associates I am content. Maryland has always been hostile to a high tariff—the root from whence has sprung most of the bitter fruit of which we have been compelled to taste. And during my experience in Congress, four fifths of those with whom I act here aided to reduce the tariff; and nine tenths of the same party have, at the present session, resisted all attempts to agitate that question which, above all others, is dangerous to our peace, and to the duration of this Government. My colleague cannot felicitate himself in like manner. The national republicans of Maryland, of whom he was one, being themselves hostile to a high tariff, struggled for years to elect to the presidency its bold and talented champion. Thus inconsistently attempting to give vast powers to the enemy of these principles, and to arm with the veto power a man pledged solemnly to exert it for the preservation of that policy which Maryland has always desired to overthrow. And the same party is now engaged in the forlorn undertaking to elect General Harrison, while many of his friends, in and out of Congress, are mischievously distracting its councils, and jeoparding the safety of a large portion of the population of Maryland, by agitating out of place and unwisely a disturbing and most delicate question.

The matter next in order, on which the gentleman has dwelt so long, will be briefly disposed of. He has undertaken to criticise the language used by me when he presented the resolutions of Maryland concerning the power of either House of Congress to expunge obnoxious matter from its journal, and insists that I was "mistaken" when I declared that the contents of those resolutions did not induce me to object to their reception. If the gentleman had not forgotten his own language, to which mine was in reply, the strange misapprehension of the import of my words, which has caused this very idle discussion, could not have existed. He had offered to present the resolutions. I asked him to offer them when the rules of the House did not forbid debate; and he, in reply, signified that the subject-matter of the resolutions was so unacceptable to me that I did not desire to see it printed by the House; and said he was ready to show that the opinions expressed by the State in the resolutions were well founded. It was then that I declared I was misunderstood, and that I "did not object to the reception of the resolutions on account of their contents."

This was tantamount to, and was intended to be, a declaration that I did not object to the reception of the resolutions because they contained matter of which I disapproved, or which I was unwilling to see published. It was not my purpose to inquire whether the House had, or had not, the power to expunge from its journal part of the records of its proceedings. It was not my purpose to oppose the printing of these resolutions on a proper occasion. And hence I desired to correct a misapprehension of my colleague, who I supposed thought that the "contents" of the resolutions were so peculiarly offensive, I was, on that account alone, unwilling to see them either published or received. The report of my remarks in the Globe is (as I have said) substantially correct; and if the whole of that report is taken into view, it does appear to me that there can be no excuse found for the tedious comment with which one of its sentences has been honored. Take, for instance, into consideration these sentences: "Mr. Thomas said it was unnecessary to read them, (the resolutions.) He knew they professed to express the voice of the people of Maryland. Now, whether they attempted to give that voice as to one question or another, he should equally protest against their reception this morning." And in a subsequent part of the same report, I am represented to have protested against the exhibition to the country of any resolutions of the Maryland Legislature, "as evidence that the people of the State are for or against any particular measure of national policy." Unquestionably these sentences ought to be in contemplation of any one, disposed to do me justice, when construing that which has been the subject of most unprofitable criticism. If this be done, my meaning is apparent. I "did not object to the reception of the resolutions, on account of their contents"—or, to speak with more precision, because they contained matter of which I disapproved; but because they were offered on "that morning," when the rules forbade discussion, and because they professed to express the voice of the people of Maryland as to "one question" of "national policy." That that objection would have been made to their reception, at that time, if they had had reference to any other question of "national policy," is proved from the fact that I had also protested, that morning, against the reception of the resolutions from Maryland recommending a distribution of the proceeds of the sales of the public lands. Undoubtedly, if either of those resolutions had contained opinions in accordance with my own, I should have devolved on another the duty of exposing the organic character of the body from whom they had emanated; and in that event I should not have risen in my place to claim for such resolutions that which they could not be entitled to, but would have frankly confessed that the Legislature of the State (the members being apportioned without regard to either population, territory, or taxation) had no authority to express the opinions of a majority of the people.

Notwithstanding my reluctance to pursue this discussion further, I cannot permit some other passages of the published speech of the gentleman to pass without comment. I am charged with misrepresenting the people of the State, and even of my own district, in being hostile to the passage of the land bill now on the table, which has been sent to us from the Senate. Before I conclude, I will make all who hear me understand that the gentleman, by making this charge, has assumed a heavy responsibility, and has resorted to most extraordinary measures to sustain it. To prove that I am in an attitude hostile to the wishes of those I have the honor to represent immediately, the gentleman avers that only two of the members of the House of Delegates of Maryland from my district, and not one from the county in which I reside, recorded their votes against the resolution which has been presented here, recommending a distribution of the proceeds of the sales of the public lands. The gentleman well knows that the congressional district from which I come is composed of two entire counties, and of a part only of the county of which I am a citizen. The section of the county in which I reside has, of course, no power to choose delegates to the Legislature, except in conjunction with that part of the same county represented here by another gentleman, [Mr. Washington.] This fact is well known to the gentleman, I suppose. If it be not known to him, he is very ill informed, indeed, as to the political divisions of the State, and ought not to treat of them until possessed of more accurate information. Now, sir, in this section of a county the friends of this administration constitute a most decided majority. In it I have received at three successive elections a large majority of the votes. At the election of 1833, when it was distinctly understood that I had been hostile to the passage of the land bill in the preceding Congress, and would, if elected, vote against any and every similar measure, I received in this section of a county where I reside a majority of the suffrages, exceeding eight hundred. If, then, all the Delegates from the two counties composing in part the district I represent had voted for resolutions in the Legislature approving of the principles contained in the land bill on your table, will any fair man, with a knowledge of the facts now detailed, contend that their proceedings ought to control my course? They were chosen by one body of constituents—I have been elected by another. They represent two counties, while I represent those two counties and a portion of another.

But is it true that the Delegates referred to have voted for a resolution requesting the representation of Maryland in this House to vote for the land bill? Assuredly not, sir. The resolution which they have sanctioned has been published in the speech of the gentleman, and is in these words, viz:

"*Resolved*, That the Senators and Representatives of this State in the Congress of the United States be requested to use their exertions to procure the passage of a law to appropriate to the use of the different States of the Union such part of the proceeds of the public lands of the United States as may be equitable and just, and in accordance with the public interest."

There is certainly in this resolution latitude enough. The representatives of the State in this House and in the Senate are requested to distribute the proceeds of sales of the public lands to the use of the different States, but the proportion to be given to each is not prescribed. We are requested to make such a distribution "as may be equitable and just." But, then, whether the distribution proposed to be made in this land bill is "equitable and just" or not, we are to decide. Further, we are requested to make such a distribution as shall be "in accordance with the public interest."

Well, who is to judge whether the action of the land bill, if it should become a law, would accord with the public interest? Is not that question to be decided here by the representatives from the States, each member to judge for himself, under his responsibilities to his constituents and to the country? This resolution appears to have been most cautiously worded. It commits no one very far. It may have been voted for by enemies as well as friends of this land bill. It cannot be necessary to pursue further this argument, to prove the gross injustice and absurdity of the charge that I am, by opposing the passage of the land bill, violating the known will of my constituents. I ask indulgence for a few brief sentences, to expose another extraordinary misapprehension of the gentleman, and I will close my remarks. He has said:

"Looking to her rights as well as to her interests, Maryland has, upon all occasions, viewed this measure [the distribution of the proceeds of the public lands] as one of the highest importance; and it has been approved by all political parties. In 1821 it received the sanction of a federal Senate and a democratic House of Delegates; in 1832 it passed again both branches of the Legislature; and, in 1836, the Van Buren and anti-Van Buren parties united in support of it; for the former did not dare to go against it. Thus, whenever it has been before the Legislature, amidst all the conflicts of parties, the principles of the land bill have been approved, and the people of Maryland have always sustained their representatives who advocated it."

There cannot be readily produced assertions more completely unfounded than many that are made in the sentences here quoted. It is declared that "the principles of the land bill have been approved" by the representatives of the people of Maryland, in their Legislature, in 1821, in 1832, and in 1836. Is this true? The gentleman who has uttered and published this statement no doubt believes it to be true, but stubborn facts can be produced to show the contrary.

What are the principles of the land bill? It is before us. It provides that ten per cent. upon the nett proceeds of sales, within their respective limits, since 21st December, 1832, shall be granted to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the compact entered into upon their admission into the Union.

It further proposes to grant to Mississippi, Louisiana, and Missouri, 500,000 acres each; to Indiana, 115,272 acres; to Illinois, 20,000 acres; to Alabama, 100,000 acres—to be applied to internal improvements. And after this has been done, the bill provides for the distribution of the nett proceeds of sales (after deducting the above ten per cent. and the expenses of survey, &c.) of the public lands, among the twenty-four States of the Union, (including of course those to which the above-named donations are to be made,) according to their respective federal representative population. These are some of the most important principles of the land bill. Whether they were "approved of" by the Legislature of Maryland in 1832, I know not. The proceedings of that body, on that occasion, are not now before me. I feel, however, authorized to speak more distinctly respecting the proceedings of the Legislature of that State in 1836. They are here, and it will not be maintained that they contain any evidence whatever that the principles of the land bill, above recited, have been approved by the representatives of the people of Maryland. Indeed, I venture to say, without the fear of contradiction from any respectable quarter, that no proceedings of the Legislature of Maryland can be produced, approving of further donations of public lands to States that have been already much favored in that way, by this Government, prior to the time when a distinguished statesman from the West became the advocate of such a measure. On the contrary, I will show that the opinions and proceedings of all parties in that Legislature were directly antagonistical to any such act on the part of the United States, until Mr. Clay became the advocate of "the principles of the land bill;" since which time his friends and followers in Maryland have seen the rights of the State through a new medium.

In 1820-'21 the following resolutions passed the Senate of Maryland unanimously, and the House of Delegates with but two or three dissenting voices, viz:

"*Resolved by the General Assembly of Maryland,* That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

"*Resolved,* That the States in whose favor Congress have not made appropriations of land for the purposes of education are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States."

In 1822 the author of these resolutions published a report on the subject, in which he proposed a plan by which the Atlantic States and Kentucky might receive that benefit from the public domain which was claimed for them exclusively. The following extract from this report will show what that plan was: "Should Congress adopt this territorial apportionment as the rule by which to ascertain the quantity to which the Atlantic States and Kentucky are entitled, let them then authorize the President, by law, to cause to be selected, out of such parts of the public domain as he may deem expedient, and to be laid off in the same manner as military bounty lands have heretofore been laid off, a number of tracts, in different parts of the public lands, which shall, in the aggregate, make up the quantity required. These lands being distant from the States for whose benefit they are intended, and within the jurisdiction of others, cannot, either with advantage or convenience, be distributed among them respectively, either for rent or sale." "Let them, then, be sold under the authority of Congress, according to the laws regulating the sales of other public lands, at such times, and in such quantities, as to them may appear expedient, and let the proceeds be paid over, by the Secretary of the Treasury, to commissioners appointed by each of the States entitled to receive a share, in such proportions as may be determined by Congress."

These, I presume, are the resolutions, to be executed as here proposed, to which the gentleman had reference when he said, "thus, whenever it [the distribution of the proceeds of the public lands] has been before the Legislature, amidst all the conflicts of parties, the principles of the land bill have been approved." This declaration cannot but be considered, by all who will compare the opinions of the Legislature of Maryland as expressed in the above resolutions in 1821, as "a bold assumption, contrary to the facts." In proof of this, no argument can be needed. Here are the Maryland resolutions of 1821.

We have given a synopsis of the land bill; and "he who runs may read" that the first measure is in direct conflict with the principles of the latter. The bill proposes to make liberal donations to the new States. The resolutions proposed to make donations of lands to the Atlantic States and to Kentucky alone; and are founded, obviously, in the belief that too much land had been granted in 1821 to those States to which the bill is intended to secure more.

Having, as I hope, demonstrated that the charge brought against me of misrepresenting my constituents, and of disregarding the long-established purposes of my State touching the national domain, is entirely unjust and unwarrantable, I will, with a few comments on one other position assumed by the gentleman, close my remarks. He has stated that, at the presidential election of 1832, "the majority of the aggregate vote of the State was upwards of 1,000 votes against the present incumbent." I had supposed that no member of the party in Maryland which was dominant in the Legislature in 1831-'32, mould make it necessary to advert to one of the causes of the result of the presidential election of 1832, which has been stated. But as it has been done, I will state a few facts, and the House will judge whether that result was not produced by one of the boldest political frauds that has ever been perpetrated.

Prior to the census of 1830, the three western counties of Maryland formed one electoral district, empowered to elect two electors of President and Vice President. At the presidential election of 1828, General Jackson received the vote of that district. By the reapportionment of representatives by Congress, under the new census, Maryland lost one member. This rendered it necessary for the Legislature of that State to reorganize the electoral districts. It so happened that the increase of population in the three western counties had been such as to entitle them to choose two electors of

President, notwithstanding the increased ratio. If, therefore, the whigs, or national republicans, as they were then styled, had been disposed to act fairly, they would not have changed the boundaries of this district, unless it had been done to establish a system of election for electors of President by a general ticket.

Unfortunately for the rights of the people of the three western counties, the result of the elections of 1831 served to show that the friends of General Jackson had a majority in these counties, and that the election of 1832 would eventuate probably as it had done at the presidential election preceding. To prevent this, as I believe, and to deprive General Jackson of the two electoral votes which he would otherwise receive, the Legislature of the State formed one electoral district, by annexing to the three counties six other counties, and the city of Annapolis, wherein there was a large majority of national republican voters, and gave to this new district power to elect four electors. Not content with this palpable violation of the rights of the people, the Legislature adopted other disreputable means to secure a majority of the electors for Mr. Clay. The county of Baltimore, having a majority of more than twelve hundred favorable to the election of General Jackson, was made to form one district, authorized to elect one elector. The city of Baltimore, where the republicans also largely preponderated, was formed into another electoral district, with power to choose two electors. This being done, all the other counties of the State not included in the above-named district were made to form another district, entitled to choose three electors; there being every reason to believe, judging from past elections, that there was a small majority of the supporters of Mr. Clay therein. At first, the republicans of all parts of the State manifested a disposition to participate in the presidential election, although they knew it would be vain to attempt to deprive Mr. Clay of the seven electoral votes that had been secured for him by the most high-handed measure that has ever characterized the legislation of any free community; and electoral candidates were nominated by them accordingly. Finally, the republicans of Frederick, after full deliberation, decided that it did not become them to go to the polls. The Legislature, they thought, had virtually disfranchised them, and made choice of the electors; and they were unwilling to recognise the validity of the law by which they had been deprived of their rights, by going to the polls and passing through the mere formulas of an election. The gentleman who had been nominated as an electoral candidate by the friends of General Jackson in Frederick county declined being a candidate; and at the election in November there were less than twenty votes given to the republican ticket, and less than three thousand to the candidates friendly to Mr. Clay, although there are more than seven thousand legal voters in the county.

Of those seven thousand voters, nearly one half are, and were in 1832, friendly to the present Chief Magistrate. It is not surprising, therefore, that the aggregate vote of the whole State, for the electoral candidates favorable to Mr. Clay, exceeded that given to the opposing ticket one thousand, since at least three thousand of the friends of General Jackson, in the county of Frederick, indignantly refused to vote, while less than eight hundred of their political opponents in the same county were absent from the polls. History does not furnish an instance of greater tyranny than that which has been described. It has made an indelible impression on the hearts of all its victims. They have now a general ticket system in the choice of electors, and have a fair opportunity, at the approaching presidential election, to make their opponents feel this power. I will make no predictions, but will only say to my colleague, and to this House, that the republicans, the democratic republicans of Maryland, are in motion—roused by the recollection of many wrongs; and that State will heave, from the Atlantic to the Alleghanies, to throw off that incubus which has long weighed upon her heart.

I owe an apology for detaining the House so long on topics not connected with its legislation, but I could not easily, more briefly than it has been done, place myself and my political friends in my State in our true positions, respecting the matters discussed in the speech of the gentleman.

Mr. **JENIFER** said a few words in reply, and moved that these resolutions, and also the resolutions of the same Legislature in relation to the expunging resolutions before the Senate of the United States, be laid on the table and printed; which was agreed to.

OHIO, MICHIGAN, AND ARKANSAS.

Mr. **SEVIER** asked the consent of the House to offer a resolution to set apart Wednesday next, at 11 o'clock, and each day thereafter, until the same be disposed of, except Fridays and Saturdays, to consider and dispose of the bills to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan and Arkansas into the Union.

Objection being made, Mr. S. moved a suspension of the rules, and asked for the yeas and nays; which were ordered.

Mr. **PATTON** moved a call of the House. Lost.

The motion to suspend the rules was agreed to: Yeas 137, nays 45.

Mr. **C. ALLAN** moved to amend the resolution by including the bill to extend the provisions of the pension act of 1832, and asked for the yeas and nays thereon.

Messrs. **VANDERPOEL** and **SPEIGHT** raised the point of order, whether the amendment could be moved after the rules had been suspended for a special purpose; and, after some conversation on the point by the **SPEAKER**, and Messrs. **SUTHERLAND**, **SEVIER**, **SMITH**, **C. ALLAN**, and **CAMBRELENG**,

Mr. **SEVIER** moved the previous question; which was seconded by the House—ayes 110, noes not counted—and the main question was ordered to be put.

Mr. **C. ALLAN** then asked for the yeas and nays on the adoption of the resolution; which were ordered.

Mr. **DENNY** asked for a division of the question: first, on that part of the resolution ending with the bill for the northern boundary of Ohio; and, second, to include the two bills for the admission of Arkansas and Michigan into the Union.

The **CHAIR** decided that the resolution was not susceptible of such a division, under the 38th rule of the House, and cited a case analogous to the point.

Mr. **McCOMAS** appealed to the gentleman from Kentucky [Mr. Allan] to withdraw his amendment, and let the question be taken without committing the House at all on the other bill.

Mr. **ALLAN** did not assent.

The question was then taken on the adoption of the resolution, and decided in the affirmative: Yeas 137, nays 57—being two thirds, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Bouldin, Bovee, Brown, Buchanan, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fry, Philo C. Fuller, William K. Fuller, James Garland, Gillet, Glascock, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hawes, Haynes, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, McComas, McKay, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Robertson, Schenck, Seymour, Augustine H. Shepperd, Shields, Sickles, Sloane, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, Elisha Whittlesey—137.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Boyd, Briggs, John Calhoon, William B. Calhoun, John Chambers, Childs, Clark, Cushing, Darlington, Deberry, Denny, Evans, Everett, French, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hiester, Hoar, Ingersoll, Jenifer, Laporte, Lawrence, Lay, Lewis, Love, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Phillips, Pickens, Potts, Reed, Rencher, Russell, William B. Shepard, Slade, Steele, Waddy Thompson, Underwood, Washington, White, Lewis Williams—57.

INDIAN ANNUITIES, &c.

In further execution of the special order, the House, on motion of Mr. CAMBRELENG, then resolved itself into a Committee of the Whole on the state of the Union, (Mr. Smith in the chair,) and resumed the consideration of the bill "making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836."

The question pending was the ninth amendment made to the bill by the Senate, as follows:

"For the removal of Creek Indians, and their subsistence for one year, including subsistence of those recently removed, in addition to the balance of one hundred and fifty-five thousand dollars of former appropriations, three hundred and forty-eight thousand two hundred and thirty dollars."

"For the removal of Seminole Indians, and their subsistence for one year, in addition to a balance of thirty-three thousand dollars of former appropriations, one hundred and fifty-eight thousand four hundred and thirty-seven dollars and fifty cents."

Mr. BELL, under instructions from the Committee on Indian Affairs, moved that the Committee of the Whole House agree to this amendment, with the following amendments:

Before the word "Creek," in the first line, insert "twenty-one thousand."

Strike out "three hundred and forty-eight thousand two hundred and thirty," and insert, in lieu thereof, "one million and twenty-three thousand five hundred and fifty."

Strike out "one hundred and fifty-eight thousand four hundred and thirty-seven dollars and fifty cents," and insert, in lieu thereof, "one hundred thousand dollars."

Mr. EVERETT proposed a substitute for the above, to come in after the Senate's amendment, as follows: "Under the 12th article of the Creek treaty of 1832, and for holding treaties with the hostile Indians east of the river Mississippi, and for their removal west of that river, $675,330," and addressed the committee at great length on the subject of his amendment, and on the general policy of the Government in reference to the Indian tribes.

Mr. VINTON moved to lay the bill aside, and proceed to the consideration of some of the other bills embraced in the special order, on the ground of want of sufficient information from the War Department.

Mr. OWENS opposed the motion, on the ground that the bill was one of great importance to the South; that the information required was not important; that by delaying the bill for the purpose of obtaining the papers called for, the bill might be lost; that the discussion could still proceed in committee. When the bill came into the House, the information called for would in all probability be read, and then gentlemen could discuss the subject at large.

Mr. GRENNELL briefly supported it, and moved that the committee rise, but withdrew it at the request of of Mr. GLASCOCK.

Mr. VINTON withdrew his motion to postpone, and the subject of the amendments was then discussed at length by Messrs. HAYNES, ADAMS, SPEIGHT, MANN of New York, GRENNELL, EVERETT, WISE, ASHLEY, BELL, and GLASCOCK.

Mr. LEWIS expressed his surprise at the course which honorable gentlemen thought proper to pursue; not of opposition to this appropriation, for they profess to be in favor of it, but of embarrassment to the consideration of it at this time, and until, as they allege, full information can be received from the War Department as to the causes which have led to the hostilities of these two tribes. Sir, (said Mr. L.,) I pretend to know nothing of the causes of hostilities among the Seminoles; but, as the war in the Creek country has been confined exclusively to the district which I have the honor to represent, I take this occasion to say to gentlemen, that, get whatever information they may, they will not be able to convict this administration of indifference to the rights or the interests of the Creek Indians. I shall be credited by those who know the political position I have occupied and still occupy towards this administration, when I say that, so far from the Government having manifested a disposition to violate their treaty obligations to these Indians, its whole course of policy has been one of the most considerate kindness and regard to their rights. Sir, if there has been any error, it has been in carrying this feeling too far, in listening too long to their complaints, and in confiding in their pacific professions until the very moment of perfidious massacre and murder upon our unprotected inhabitants. At the very time that the Government were investigating the alleged frauds committed upon these Indians in the sale of their reservations—at a time when three commissioners were busily engaged in this service—the war-whoop was raised, and a scene of bloodshed and desolation was spread indiscriminately over the land. And, sir, while this war is now raging, gentlemen coolly come forward and refuse to vote the necessary sum for the removal of these Indians west of the Mississippi, until they shall be informed by documents from the War Department that the treaty faith of this Government has been inviolably preserved. From whence comes this new-born zeal for Indian rights? Is it because of the fidelity with which they (the Indians) have kept their treaty stipulations, or is it to justify and even to reward their late perfidy?

Do gentlemen want to know the purpose for which this appropriation is asked? Let them look to the provision in the late Creek treaty, by which this Government stands pledged, not only to the Indians, but to the State of Alabama, to the people who have purchased land in the Creek country, to remove the entire tribe west of the Mississippi. In their zeal to protect the treaty rights of these Indians, do they intend to refuse to execute this provision of a solemn treaty? This is not a question involving an appropriation to hold, as the gentleman from Virginia [Mr. Wise] supposes, a new treaty, but whether we will execute the provisions of one already made and ratified, as long ago as 1832. Nor is this appropriation asked to enable us to prosecute the war, as the gentleman from Massachusetts [Mr. Adams] has suggested. The sum of five hundred thousand dollars has already been appropriated for that purpose; and I feel confident that it is enough to bring the war to a speedy close.

The gentleman from Massachusetts [Mr. Adams] says that this money is asked to enable us to make war on these Indians, for the purpose of forcing them against their will, at the point of the bayonet, west of the Mississippi. Sir, can the gentleman from Massachusetts assign this as one of the purposes of a war commenced by the Indians themselves, at a time, too, when the Government was using its best exertions to secure them in their rights, and before any attempt at removal was made? The gentleman seems exceedingly anxious that these Indians should not be removed against their will. Let me say to that gentleman, that a portion of these Indians who have not taken up arms are at this time most anxious to remove, and for the reason, principally, that they may escape the consequences of this war which the lower Creeks have brought down upon them. I am informed, sir, that several of the friendly portions of this tribe are now imbodied, and call upon this Government, agreeably to the treaty, for an agent, with means to remove them west of the Mississippi. At one point it is said that three hundred are imbodied, and, for the want of this appropriation, they have not the means of subsistence. Will the exclusive advocates of Indian rights suffer these parties to disperse for the want of food, and, in their starving condition, to wander about to beg that bread which this Government is bound to furnish them? Are they not aware that as soon as they are dispersed through the country they are in danger of being shot, through mistake, for hostiles? How are the people of Alabama to distinguish between them? And will gentlemen, with professions of humanity on their lips, put these friendly Indians on a footing but little better than that of the perfidious hostiles? Sir, I would ask the gentleman from Massachusetts, who insists that these Indians are not to be removed against their consent, what is to be done with such as are taken with arms in their hands? Will you ask them if they are willing to be removed? Will you observe towards them the faith of treaties, while their hands are reeking with innocent blood? Or will you treat them as they really are; as a hostile tribe who, in violation of all treaties, have commenced a most savage and bloody war; a war of indiscriminate massacre upon helpless women and children! What claim have they on the sympathy of gentlemen?

I repeat the question, what is to be done with such as are taken with arms in their hands? What disposition will you make of such as in the chances of war are overpowered by our troops? Shall we retaliate on them by murdering them? Gentlemen will say no. Can we give them a parol of honor? If we turn them loose one day, would we not meet them in fight the next? Are they to be again sent abroad among the people of Alabama to desolate and destroy? Is this the policy which my constituents are to expect at the hands of this Government? If this be the decision, it is one which dooms every Indian now in arms to extermination. The people of Alabama will consult their own safety in utter destruction of the hostile tribe. They cannot make peace with them; they cannot and will not again trust their pledges and professions of friendship.

Sir, said Mr. L., every motive of policy, every requisition of justice to the people of Alabama, every consideration even of humanity to the Indians now in arms against us, requires that this appropriation should be passed to remove them by force—yes, sir, even at the point of the bayonet—west of the Mississippi. It is unjust in the extreme to contend that they are to remain in the heart of a population they have outraged by the most savage treachery, until they shall give their consent to be removed. Do gentlemen expect us to fold in our very bosoms the adder whose venom we have already felt, that he may again sting us to our vitals? No, sir; we claim their forcible removal from among us. We demand that no terms shall be held with them until they are taken out of the limits of the United States; and if it is then necessary, as the gentleman from Missouri suggests, to guard our Western frontier against their further treachery, let us there station upon them a military force, which can awe them into submission. If we send any more agents among them, let them be military agents, with the ability to coerce them into obedience.

Mr. L. said, I have made these remarks in reply to the objection that we should not proceed further in this matter until additional information is received. What further information is desired? Do gentlemen wish to be notified of the existence of an Indian war with a large portion of this tribe, that this war was commenced by that tribe, and that the laws of war, and not a violated treaty, are to govern in punishing and expelling the hostile savages from our soil? Gentlemen say that the amount of this appropriation is increased. Has not this very war rendered additional appropriation necessary? Sir, as I before said, the friendly Indians will willingly emigrate, to escape from this war. The hostiles, as soon as subdued, must either be removed or murdered as prisoners of war. The bill contemplates the removal within this year of nearly the whole tribe; and the amount asked will be found not too large to effect this purpose.

Sir, I desire that this question should be met, not in a preliminary discussion, but upon its merits. I pledge myself ready to meet gentlemen face to face, in the freest and fullest investigation. I hold myself ready to vindicate my constituents from every imputation as to the causes which have produced this war. As to the legislation of my State over these Indians, I will not condescend to offer palliation or apology. What she has done has been within her acknowledged chartered limits, in the exertion of her high sovereign will; and she is not responsible in the exertion of that will either to this House or to this Government. Upon any other topic connected with this question I will meet either the taunts or the arguments of gentlemen; and all I ask of them is to come up to the real question without delay. Sir, if we act upon this subject at all, we should act promptly.

Mr. GLASCOCK, after proceeding for some time, gave way to

Mr. BELL, on whose motion the committee temporarily rose; and

The SPEAKER laid before the House a variety of executive communications from the War Department, &c., in relation to Indian hostilities; which were ordered to be printed.

The House then again went into committee, and Mr. GLASCOCK concluded his remarks.

The amendment of Mr. Everett was then rejected. Yeas 28, nays 98.

The amendment proposed by the Committee on Indian Affairs was then agreed to; and the Senate's amendment, as amended, was concurred in without a division.

The tenth amendment of the Senate, as follows, was then concurred in:

"Sec. 4. *And be it further enacted,* That the Secretary of War be, and he is hereby, authorized and directed to invest, in a manner which shall be, in his judgment, most safe and beneficial for the fund, the sum of thirty-three thousand nine hundred and twelve dollars and forty cents, being money in the Treasury as the proceeds of lands purchased from the Seneca Indians, of Sandusky, by a treaty concluded on the twenty-eighth of February, eighteen hundred and thirty-one; from the Senecas and Shawanees by a treaty concluded on the twentieth of July, eighteen hundred and thirty-one; and from the Shawanees by a treaty concluded on the eighth of August, eighteen hundred and thirty-one; and upon which sum the United States are, by stipulations in the said treaties, bound to pay to the said Indians an annual interest at the rate of five per centum per annum: *Provided,* That the said Secretary shall make no investment of the said sum, or any portion of it, at a lower rate of interest than five per centum per annum."

The following, being the eleventh amendment of the Senate, was then read:

"Sec. 5. *And be it further enacted,* That it shall be competent for the President to assign to the Indian agent at Michilimackinac, in addition to his proper duties, the duties of superintendent of Indian affairs for all that district of country heretofore constituting the Territory of Michigan, and lying east of the line established as the eastern boundary of the Territory of Wisconsin, by the act of Congress of the twentieth of April, eighteen hundred and thirty-six: *Provided, however,* That no additional compensation or emolument shall be granted on account of the said duties; and the President may require the said agent to reside at such place as he may think fit within the said district."

This amendment was also concurred in without a division.

Mr. LOVE proposed an amendment appropriating $650 for the expenses of the Seneca delegation to Washington. Agreed to.

Mr. SEVIER submitted an amendment authorizing the appointment of a superintendent of Indian affairs south of the Missouri river, with the same salary as the similar officer at St. Louis; which, after some remarks from Mr. S. and Mr. ASHLEY, was rejected.

Mr. SEVIER submitted another amendment, to provide for the compensation to certain Indian agents of the Creeks, Cherokees, Choctaws, Quapaws, &c.

Mr. CAMBRELENG suggested to the gentleman that he had better submit these amendments when the Cherokee bill came up.

On motion of Mr. CAMBRELENG, the committee then rose, and the bill and amendments were reported to the House.

Several amendments reported from the Committee of the Whole were then severally concurred in.

On the ninth amendment, (discussed at length in Committee of the Whole,)

Mr. VINTON asked for the yeas and nays; which were ordered; and Mr. V. also called for a division of the question: first on that branch of the amendment containing the appropriation for the removal and subsistence of the Creek Indians; and, secondly, on that relating to the Seminoles.

After some remarks from Mr. ASHLEY, in opposition to the amendment, the question was taken, and it was concurred in: Yeas 106, nays 50; and the amendment of the Senate, as amended, was also concurred in.

The question was then taken on the second branch of the amendment, and concurred in without a count; and the amendment, as amended, was also concurred in.

The other amendments were then severally concurred in by the House.

R. P. LETCHER AND T. P. MOORE.

On motion of Mr. MASON, of Virginia, the House again went into Committee of the Whole on the bill "for the relief of Robert P. Letcher and Thomas P. Moore."

[The principles involved in this bill are generally known. These two gentlemen both claimed to have been returned to Congress from the fifth congressional district of Kentucky, and both presented themselves at the bar at the first session of the last Congress. The House came to a resolution that neither gentleman should then take the seat, until the Committee of Elections had investigated the merits of the case; and they accordingly both returned home to collect testimony, &c. The committee made a report that Thomas P. Moore had a majority of the votes, and was therefore entitled to the seat; but the House, after a lengthy discussion, decided that it could come to no conclusion, and finally sent it back to the people. The foregoing bill appropriated the usual pay and mileage to each of the gentlemen.]

The bill having been read,

Mr. UNDERWOOD moved to strike out that part relating to the pay of Thomas P. Moore. He did so on the same ground he had voted against the payment to Mr. Newland, viz: that no more than one being entitled to the seat, no more than one was entitled to the pay.

Mr. R. M. JOHNSON remarked that this bill was defeated at the last session of Congress, on the very ground that it provided for the payment of only one of the gentlemen; and he therefore hoped his colleague would withdraw his proposition.

Mr. BOND opposed the whole bill, on the ground that Congress having arrived at the conclusion that neither of the gentlemen was entitled to the seat, therefore neither of them ought to be paid. He addressed the committee at some length on the subject. He adverted to the fact that one of the individuals had presented to the House a release or protest from any claim, and he saw no reason why it should be forced upon him.

Mr. MASON, of Virginia, adverted to the extraordinary circumstances of the contested election for Kentucky. He believed it was the first which had occurred in which neither of the contesting members had a complete return, and neither was permitted to take a seat until the House could decide on the right to the contested seat.

With regard to the protest of one of the gentlemen, [Mr. Moore,] Mr. M. remarked that it ought not to affect any rights which he [Mr. Moore] might possess. It was written in a spirit of generosity, and with the hope expressed, that a desire to allow him pay might not affect or prejudice the claim of his opponent.

The circumstances of the case were in themselves of a novel character. It was determined by the House that neither of the gentlemen should take the seat, but that they should both await the report of the Committee of Elections, and the decision of the House thereon; and they consequently did remain in attendance until the month of June, when the House decided against the claims of both, and returned the election to the people.

Mr. BRIGGS sent to the Clerk's table a letter from Mr. Moore, addressed to the Speaker of the House, on the subject; which was read.

Mr. MASON, of Virginia, made a brief explanation in relation to the contents of the letter. He said he himself had originally introduced the resolution directing the standing committee to inquire into the expediency of paying Mr. Letcher. The name of Mr. Moore was not included in his resolution, but moved by another gentleman; and, so amended, the House adopted it. He would only add that he never had a word of conversation with Mr. Moore in his life on the subject of his compensation. His motion had reference only to Mr. Letcher, with whom, though a political opponent, he was on terms of friendly personal intercourse. At the instance of another gentleman, the name of Mr. Moore was introduced; the committee made the inquiry, and this bill was the result of their investigation.

Mr. MANN, of New York, would only remark that it was upon his motion the name of Mr. Moore was introduced in the resolution, and it was due to that gentleman to state that he (Mr. Mann) did it entirely of his own suggestion. From the moment he had known Mr. Moore to the present hour, he had never exchanged a word with him on the subject of his pay.

Mr. BOULDIN said he would detain the committee but for a moment. He would not trouble them at all upon this subject, but for the fact that several had mentioned the subject of private friendship; and it had been charged that those who voted for this bill were probably influenced by that feeling. Mr. B. rose to deny that the vote he should give would be at all influenced by any feeling of that kind. He had no ground of friendship or aversion towards Letcher or Moore. In relation to that canvass, he would say that neither of them had done himself any great credit in going to such lengths in prosecuting the contest. Neither did he think that this House (of which he was then, as well as now, a member) had done itself any very great credit in having suffered or encouraged the candidates to protract the contest to such a length, and carry it on with such violence. Party spirit was probably the cause, and must be plead as the excuse of us all, in thus having continued a contest that ought to have been settled, as all such things should ever be, immediately on the meeting of Congress. We had, however, kept the district as well as the candidates waiting in suspense, and the candidates on expense for months, and finally told them and the world that such were the doubt and difficulty in determining which was elected, that we could not, with any certainty, decide which was the rightful representative, and, therefore, would send them both back to the people.

Mr. B. said he viewed the subject in a light somewhat different from that in which some gentlemen saw it. He did not look upon it as a contest between the candidates only, or even principally, but as a suit prosecuted by the people before Congress, claiming a representation in this House, and calling on Congress to determine which of two persons was elected by the district. This claim was for the people's benefit, and the costs ought to be paid out of the people's money. Without the people are permitted to pay their costs out of their own money, it would only be necessary for a rich candidate to contest an election, and put it out of the power of a poor one, however talented and patriotic, to carry on the contest, and the people, not only of the district, but of the whole United States, be thus choused out of a representative in Congress to whom they were lawfully and constitutionally entitled. Should an unnecessary contest be raised by a candidate to obtain the pay, he ought to be made to lose it. But when it was so doubtful that the House of Representatives could not determine it, it was mocking the candidates, the district, and the nation, to tell them that it was so plain that the candidates and the district ought to have known which was elected, and made no dispute about it.

Mr. B. said he was one of that majority that could not satisfy themselves which was elected. He could not then tell them the thing was plain that they must pay their own expenses here. He thought the point a doubtful one, and that the right to have a member from every district was a right dear to the whole nation. He would, therefore, pay both or neither. He did not wish to disparage or wound the feelings of either of the candidates, or to say by his vote that the district had caused or encouraged an unnecessary contest.

Mr. WISE said there was only one way in which he would vote a dollar to these parties, viz: that the per diem pay of $8 and the allowance of mileage for one member of Congress be divided in equal proportions between them. He was here at the time, knew the whole history of the case, and he believed it was his single vote that sent it back to the people. He decided conscientiously upon that occasion; for he was incompetent to say, from the evidence, which was entitled to the seat. If either, then, received compensation, they ought both to receive it; and he was willing to vote them both the allowance of one member; but he protested against the principle of paying men eight dollars a day for coming here to contest a seat in Congress. If a gentleman came there with a certificate of his election, and took his seat, him he would pay. They were not authorized to pay more than 240 members; but adopt this principle, and they would be paying 241. The principle was wrong. So soon as the pending amendment was disposed of, he should submit one embracing his views.

The amendment of Mr. Underwood was disagreed to.

Mr. RENCHER proposed an amendment deducting from the amount of pay to each party $8 a day for the time they were absent from Washington, in completing their testimony. Lost.

Mr. WISE then moved to reduce the sum to one half, to be divided equally between Messrs. Moore and Letcher, viz: $4 per diem allowance, and half the customary mileage to each. Lost.

The committee then rose, and reported the bill to the House.

The SPEAKER having resumed the chair, and propounded the question on concurring with the report of the Committee of the Whole,

Mr. GRIFFIN asked for the yeas and nays on the passage of the bill; which were not ordered.

Mr. UNDERWOOD renewed his amendment.

Mr. HOWELL moved that the House adjourn. Lost.

Mr. UNDERWOOD asked for the yeas and nays on his amendment; but the House refused to order them, and the amendment was disagreed to.

Mr. WISE then renewed his amendment, and asked for the yeas and nays thereon; which were ordered.

Mr. SPEIGHT moved the previous question.

Mr. WISE moved an adjournment. Lost: Ayes 33, noes not counted.

Mr. WISE appealed to the gentleman from North Carolina to withdraw his motion for the previous question, and let the country know who voted the money out of their Treasury.

Mr. SPEIGHT not assenting, the motion for the previous question was then taken, and the tellers reporting ayes 71, noes 44—no quorum—

Mr. WISE moved an adjournment. Lost.

The motion for the previous question was then seconded by the House: Ayes 76, noes 47.

Mr. RENCHER asked for the yeas and nays on ordering the main question to be put; but the House refused, and the question was ordered without a count.

Mr. WISE asked for the yeas and nays on the main question, being on the engrossment of the bill; which were ordered, and were: Yeas 86, nays 45.

So the bill was ordered to be engrossed for a third reading.

The House then adjourned.

Tuesday, June 7.

PAY AND MILEAGE.

Mr. RENCHER, from the select committee on mileage, reported a bill to establish a more uniform rule of computing the mileage and per diem compensation of members of Congress.

Mr. RENCHER moved the engrossment of the bill.

Mr. JENIFER moved that it be laid on the table, and printed. Lost.

Mr. VINTON moved to amend the clause providing that the per diem compensation should not be allowed for those days on which members were absent from the House, by excepting those cases in which members are absent on leave of the House.

On motion of Mr. MANN, of New York, the bill and amendment were postponed to Saturday next, and ordered to be printed.

LAND BILL.

The House then took up the bill from the Senate, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States."

The following motions were pending: 1. By Mr. WILLIAMS, of Kentucky, to commit to Committee of the Whole on the state of the Union. 2. Mr. CARR, to the Committee on the Public Lands. 3. Mr. GILLET, to the Committee of Ways and Means.

The question was then taken on referring the bill to the Committee of the Whole on the state of the Union, and decided as follows: Yeas 97, nays 96.

The CHAIR, under the 9th rule of the House, being entitled to vote when his vote given to the minority would make it equal, voted in the negative, making yeas 97, nays 97; so the motion to refer the bill to a Committee of the Whole on the state of the Union was decided in the negative.

The question then recurred on the motion of reference to the Committee on the Public Lands.

Mr. MERCER made a few remarks on the subject.

Mr. LANE said he trusted the House would reject the proposition to submit this bill to the Committee on the Public Lands, in order that it may be referred to the Committee of Ways and Means. This is the appropriate committee. The bill proposes an appropriation of some thirty millions, and it is the province of that committee to examine, to guard, and supervise that revenue.

It has been said that the chairman of that committee is hostile to the provisions of this bill, and therefore it ought not to be submitted to his charge; that the object of those who vote in favor of the reference to this committee is to give it the go-by, to avoid the responsibility of a direct vote, with a full knowledge that the bill will be detained in the pocket of the chairman of the committee until the close of the session.

Sir, so far as it regarded himself, said Mr. L., it had no application; he was ready and willing to meet, by a direct vote, at any and at all times, this or any other measure that he might be called upon to vote; that his object was to refer it to the appropriate committee, that it may be reported back to the House with the opinion of that able committee, acted upon, and finally disposed of. Then, sir, we shall be able to make some final, some satisfactory disposition of the surplus.

At present, he should not attempt to discuss the merits of the bill, and would not point out the good or bad provisions of it. But, sir, why talk of this bill? why sacrifice the time of the House? why hold out false hopes to the people? Is it to deceive, to delude them? For, sir, who does not know, who in this House that does not believe, that this bill cannot, will not, become a law.

Mr. L. said, when it should be in order to discuss the merits of this bill, he would claim the indulgence of the House while he should be able, according to the extent of his feeble abilities, to give his views upon the bill and its effects upon the new States.

Mr. VINTON said that he rose to say a word on the subject of the commitment of this bill, before the vote was taken, that the House and the country might know what would be the effect of referring it to the Committee of Ways and Means, or to the Committee on the Public Lands. The gentleman from New York, who made the motion to commit it to the Committee of Ways and Means, stated his motives in making it. He says he wishes the bill to go to that committee, so that it may make a report upon it, after all the appropriation bills, and all other bills proposing appropriations of money, shall have been acted upon. It is his avowed object that the chairman of that committee shall keep the bill in his pocket till all of these bills are acted upon. Now, Mr. Speaker, there is not a gentleman in this House, who has had any experience here, that does not know that if the committee pursue the course pointed out by the mover of the reference, and wait till the appropriations of the year are made, the bill will not be reported back to the House till the very last hour of the session; and that, of necessity, will be the end of the bill. I am justified, by the arguments in favor of committing it to the Committee of Ways and Means, in saying that such will be the course of that committee; and he wanted the country to know it, that the people may understand how the bill was killed, and who is responsible for it.

[Here Mr. CAMBRELENG, the chairman of the committee, said he would not hold up the bill.]

Mr. VINTON said he was warranted by the avowed intentions of the mover of the reference to that committee, and by the arguments of those who have advocated that reference, in saying such was the course they intended should be pursued by the committee. And as the House, by the vote it has just given, refusing to commit to the Committee of the Whole House on the state of the Union, acted under those arguments and on that avowal, he was justified in presuming such was the intention of those who voted against a reference to the Whole House on the state of the Union, since the declaration now made by the chairman was not then before the House; and it was to the intentions of the House, and not of that gentleman, we were to look. He asserted again, that the object of those who were for committing to the Ways and Means was to prevent the bill from being acted upon till the end of the session, so that with the session it might die a natural death. He did not complain of this. He knew that it was parliamentary for those who were opposed to the bill, and wanted to avoid the high responsibility of voting on its merits, to resort to this way of killing it by a side blow. Gentlemen had a right to do this, but he wanted the people to know how they did it. And it was that they might know how it was done, and with what motive, and whom to hold responsible, he had now risen to address to the House a few words, and for that purpose alone.

As to a reference to the Committee on Public Lands, he had only to say, that committee had already expressed their hostility to the principle of this bill. We know they are opposed to it. Whether they would ever report the bill back to the House or not, was a conjecture he would not make. From what we knew of that committee, he had only to say that to send the bill to that committee was the same thing as to give the keeping of the lamb to the wolf. Gentlemen would judge for themselves what would be the fate of the lamb. The bill was a measure of the deepest interest to the people of this country. For that reason he wanted a vote directly on its merits; and if gentlemen resorted to this method of avoiding its merits, and killed it in this indirect way, he hoped the people would understand it, and who it was that did it.

The debate was further continued by Messrs. TOUCEY and DENNY.

Mr. DENNY moved instructions to either committee to which the bill should be referred, to report the same on Wednesday next.

Mr. BOULDIN then addressed the House in favor of referring the bill to the Committee of Ways and Means, and in opposition to the principles of the bill, until the hour of one o'clock, when the Chair announced the special order.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. CAMBRELENG, proceeded to the consideration of the "bill making appropriations for certain fortifications for the year 1836." The bill was reported from the Committee of the Whole, with sundry amendments, and the question was on concurring in these amendments. The first amendment was the following:

"For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000," increased by the Committee of the Whole to "$200,000."

Mr. WADDY THOMPSON expressed his disapprobation of the manner of doing business in the House, by crowding in amendments for extravagant expenditures, and hurrying them through without time or opportunity for discussion and consideration. He was opposed to the bill, because he believed that one half of the appropriations were not only not necessary, but that they could not be expended within the year; and he thought the bill was designed to effect another purpose not disclosed in it. He alluded to a report which stated that, last year, $150,000 could not be expended in New York, because, although every effort was made in New England and elsewhere, sufficient laborers could not be found; and he inferred that the bill would have little effect but to keep the public money in the hands of the deposite banks.

Mr. T. then went on to reply to some remarks of Mr. Adams, made some days since, in relation to the annexation of Texas to this Union; and he thought England would not interfere, as that gentleman had supposed, because that nation was preparing for a conflict with Russia, and would have enough else to do. He then went on to reply to some portions of the speech of the gentleman from Georgia, [Mr. Towns,] about a month since.

Mr. HUNT addressed the House as follows:

Mr. Speaker, to this bill, as originally reported by the Committee of Ways and Means, I had no objection to urge, and I had intended giving it my support in a silent vote. But, sir, after the scenes we were compelled to witness when this bill was last in Committee of the Whole on the state of the Union, (May 24, 1836,) I feel it to be my duty to oppose the amendments foisted into the bill on that memorable night, and to assign some of the reasons which have led me to that opposition. In doing so, I cannot flatter myself that I shall be able to give any freshness or variety to the debate, but may hope to aid in calling the attention of a portion of the country to the present condition of the public treasure, and to the mad schemes projected and projecting for its exhaustion. Following the example of those who have preceded me in this debate, allow me, in the outset of my remarks, to submit briefly my views on the subject of national defence, as connected with fortifications, the army, and navy. National defence has been rung in our ears, through all its variations, as though there were here or elsewhere any one, with an American heart beating in his bosom, opposed to the defence of his country—as though any one, at this day, doubted the policy of preparing for war in times of peace. But, sir, how prepare? By studding a coast of three thousand miles (as proposed in another part of this hall) with fortifications so near each other that the report from the guns of the first may be taken up by the others and transmitted through the whole line. This plan may be called magnificent in conception, but is alike opposed to the resources, the wants, the genius, and the liberties of the people.

I am, sir, in favor of fortifications at the great and prominent points of our seaboard, as furnishing safe depositories for the materials and munitions of war, and as tending to afford to your harbors and commercial cities security against the attacks of a single ship from an enemy's squadron. But, sir, forts never have, in this or any other country, nor will they, prevent the descent of an invading army. In case of threatened invasion from a competent force, you are to look for safety, not to walls of stone and mortar, but to that wall of fire which the patriotism of freemen will erect around your borders.

Then, sir, as to your army. I have ever been the advocate of such a peace establishment as should enable you to protect your frontiers against the savage, and should furnish the nucleus of a disciplined army in case of foreign invasion. As to the navy, I have been taught from my childhood to look upon it with favor, and to consider it the right arm of the national defence. The children of ocean's queen, our origin, habits, and natural position, all point to the sea, and demonstrate that, in our path to prosperity and greatness, our "march must be o'er the mountain wave, our home upon the deep." But, in reference to these great subjects, it is a matter of curiosity, if not interest, to look back upon the history of their friends and opponents. When did they commend themselves to the favorable consideration of those who now modestly claim to have been infallible in political sagacity, to have never changed, to have been consistent, nay, to be at this moment the only true democrats of the land, and to have been the exclusive keepers of all the democracy, pure and unadulterated as when delivered to them by their great high priest? Why, sir, gentlemen are within the sound of my voice, who were actors upon the stage when these same consistent politicians denounced fortifications as the strongholds of tyranny, an army as dangerous to the liberties of the country, and a navy as useless. Yes, sir, it is well known that General Washington, having laid the foundations of this Government deep and broad, considered a respectable land and naval force essential to its well-being and prosperity. He and Hamilton were denounced as the advocates of an arbitrary and strong Government by the very men who are now pushing, to their extremest verge, doctrines never contended for even by the much-abused successor of General Washington. Well, sir, amidst the throes and heavings of Europe at this time, a great political change was in progress in our country; and in order to render that change more certain, it became necessary to make a broad distinction between those seeking for power and those who then held it. This necessity, unless I would impeach the common sense of their authors, can alone account for the wild and visionary theories of government then put forward—theories which had their day, and, having answered their purpose, have been discarded. To this may be traced the statesmanlike project of defending a great and commercial people by gun-boats, embargoes, and proclamations; and to the same spirit are we indebted for an army totally inadequate to man your Indian block-houses, to meet the first wants of your frontiers, and to check the rising of two petty tribes of Indians.

I make not these remarks in any spirit of unkindness towards distinguished individuals now no more; nor do I wish to revive the party excitement of by-gone days; but that gentlemen may understand that the history of those days, which is the history of the friends and opponents of the great measures of national defence, has not been lost nor forgotten.

Sir, your navy has literally fought its way to the notice of the dominant party. Having borne its full share of the hardships of the Revolution; having, in mere infancy, carried your country's flag in triumph to the shores of Europe, and humbled the pride of the freebooters of the Barbary coast; having covered itself with glory in the affairs of the Guerriere, and laid at your feet the bloody trophies of its lake victories; you could no longer close your eyes in indifference to this hitherto neglected arm of protection. Entertaining, then, the sentiments which I have expressed, let me not be charged with hostility to any of the defences of my country. But, sir, what have we now proposed to us, under the specious title of "making appropriations for certain fortifications of the United States, for the year one thousand eight hundred and thirty-six?" A bill, as originally reported, (and founded, we are to presume, upon the estimates of the proper Department,) asking for these objects the sum of $1,875,592 95; and this bill increased in Committee of the Whole to the enormous sum of $3,667,645 95. An increase sprung up at midnight upon a House exhausted in body and mind by a protracted session of fourteen hours, without any previous warning, and without the knowledge of, at least, a portion of the very Committee of Ways and Means. In vain we asked for estimates, for reasons for this strange procedure—none were to be furnished, on compulsion, to a "factious minority." In vain we urged the impossibility of expending so large an amount during the short recess of Congress, and the danger to the country of increasing improperly and unnecessarily the price of labor. We were met by a dead vote. From such a course of proceeding, such indiscreet haste, what can we infer, other than a foregone conclusion on the part of a majority, confident in its strength, to deplete the Treasury of the people, without regard to the wants of the Government or the objects of expenditure? When, before, in the history of this Government, have committees dared to tease the heads of bureaus, to know whether it were not possible to expend a given amount of the people's money? Sir, I pronounce the proposed expenditure, in itself, improvident, and uncalled for by the wants of the country; and yet the proposition comes to us from the friends of an administration that was to curtail extravagant expenditures, reform abuses, prevent the power of the General Government from coming in conflict with the freedom of elections and of opinions, and to bring it back, in all its branches, to its original simplicity.

How far the freedom of opinion has been regarded, let the list of removals from office for opinion's sake attest—a list exceeding in seven years the aggregate of all removals (for cause or otherwise) during all previous administrations. And then as to retrenchment. A distinguished Senator from Virginia, in 1827, in his place, pointed to the alarming increase in the ordinary expenditures of the Government since the days of Mr. Jefferson. The expenditures in 1827, by an administration denounced for its extravagance, was thirteen millions of dollars; in 1828 it was about thirteen and a half millions, and the estimated expenditure for 1829 was about fourteen millions. I speak, of course, irrespective of payments towards the public debt during these periods, and I stop not to fatigue the House with the precise amounts, nor to extend the examination through a long series of years. General results will illustrate every argument, and I have taken for the starting point the time immediately preceding the commencement of the present administration.

Not to take up the language of the Virginia Senator before alluded to, and pronounce an ordinary expenditure of thirteen millions as extravagant and boding evil, and making every liberal allowance for the growth, and consequently increased wants of the country, we may certainly assume eighteen millions to be a liberal allowance for an administration professing so great a regard for strict economy; and yet we were told at the commencement of the present session, by the Executive, that about twenty-four millions of dollars would be required for the present year.

I might, sir, find ample justification for my opposition to the amendments under consideration, in this open and bold violation of every pledge of economy given to the people by those now in power, at a time when they were seeking it. But I have other grounds of opposition to these amendments. I am in favor of the bill now on your files, "to appropriate, for a limited time, the proceeds of the sales of the public lands;" and the present exhausting project is designed, indirectly, to defeat the great objects of that bill. This is not the time to enter at large upon the argument of that subject. The time will, however, come, when the merits of that bill must be discussed, and no longer kept from public view by the legerdemain of legislation. The people are making up an issue on that subject, and every effort of mine shall be made to hasten the trial of that issue. Without, however, going at large into the argument, I may be allowed, I trust, (because most pertinent to my purpose,) to glance, in passing, at some of the reasons inducing me to favor a distribution.

First, then, I hold it to be the only course left, in the present condition of the country, in which you can fully and fairly answer the terms and objects of the deeds of cession. I will detain the House by referring to the terms of but one of those deeds—the one from Virginia, made and accepted on the 1st of March, 1784. The terms of one of the conditions of that cession are as follows: "That all the lands within the territory, as ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." This language is, for all substantial purposes, the same with that used by the other States in their cessions of the public domain. And the national debt contracted, and being contracted, at the time of the cession, having been paid off, the question arises: How are the terms of this high trust, in its further fulfilment, to be executed? By graduating, then treating as refuse, and afterwards ceding, the public lands to the respective States within whose limits they may be situated? By what perversion of language can Virginia be said to "be included" in a gift of all your lands to Missouri? Were this a case of a private trust, I submit to the House, with great confidence, that no legal tribunal would hesitate to enforce its performance in the manner proposed in the bill to which I have alluded. The objections to a distribution of the surplus revenue, whether arising from customs or the sales of the public lands, contained in the celebrated veto message of the 4th of December, 1833, were not felt as early as 1829. In the annual message of the 8th of December, 1829, the President says: "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation." The same high officer again, in language equally explicit, recommended the measure of distribution in the messsge of the 7th of December, 1830. Distinguished statesmen, in the several States, had for years before been looking to a state of things when the General Government might, without embarrassment, apportion at least the proceeds of the sales of the public lands; and the repeated recommendation of the President left little doubt of the fulfilment of their hopes. The recommendation was hailed as in accordance with an enlightened public sentiment, and as giving an earnest of the well-considered opinions, and settled convictions, of the Executive and his cabinet. In view of this, I cannot feel the force of the argument heretofore urged upon this floor, "that it would be useless for Congress to legislate on this subject, and pass the land bill, inasmuch as it could never receive the sanction of the Executive, and become a law." Considering our fallibility, and the changes of opinion going on in the world, as well as the various opinions expressed by the Executive in reference to another important subject, (the United States Bank,) I should rather infer that the opposition expressed in the message of 1833 might, nay, had yielded to a more thorough examination of the subject. Be that, however, as it may, we cannot take counsel from considerations of that kind; our path of duty is plain, and must be trodden, regardless of consequences. Sir, of this public domain, there are yet unsold seven hundred millions of acres of land, situate without the States; and, probably, about three hundred millions of acres situate within the States. I make this statement from an inspection of your documents, and the best information I have been able to obtain; (and I have taken some pains to examine the matter;) it may not be precisely accurate, but I am satisfied it is sufficiently so for all the purposes of this argument. Basing my calculations upon the present condition of your Treasury, the probable receipts for the remainder of the year, and the reasonable demands of your Government, I aver that the proposed appropriation would give to the State of New York $3,309,503, and to each congressional district the sum of $84,074 annually. What a fund to relieve the States from taxation, enable them to prosecute their magnificent schemes for internal improvements, for educating the poor, and for developing their resources, and ameliorating the condition of society! Distribute this fund, and you may then with truth say "you have restored to the States their lost rights."

But, sir, the proposition to graduate and then cede the public lands to the States is not only a violation (if carried out) of the terms and objects of the cession, but unjust in reference to the old States. To say nothing of the thirteen old States, will Ohio, Indiana, and Illinois—States but yesterday new, to-day comparatively old—consent to part with their share of the inheritance acquired by the blood and transmitted to them by the providence of their fathers?

The policy of your Government has ever been to place the lands at a price to enable actual settlers to purchase, to induce them to settle upon their purchases, and fell your forests. The General Government has been and is abundantly able to carry out its policy. Can any one venture to say as much for the State Governments? Are they as competent to resist the pressing calls upon their treasuries, backed by the cupidity of speculators, and tending either to retard the settlement of the country or to force the settler to pay an enhanced and exorbitant price for his land?

Again, sir, I am in favor of a distribution of your surplus revenue at present, because, secondly, I am most anxious to reduce the large amount of moneys now held by banks without law or regulation. The amendments to the bill under discussion will not effect that object, but leave the extravagant sums called for where they now are, to be reported hereafter as unexpended balances of appropriation. In approaching the subject of the deposite banks, I feel an embarrassment, arising in part from the consideration that every effort to induce gentlemen to look to the safety of our Treasury is denounced as an effort of party, for party purposes, and therefore to be disregarded; and in part, again, from the extreme delicacy of the subject. But whilst, on the one hand, I would not rashly tamper with your monetary system, nor excite unnecessary alarm, no mawkish sensibility shall, on the other, deter me from proclaiming to the people the truth on this subject; and disclaiming, for one, any mere party views, I call upon those having the control of public affairs to reflect upon the fearful responsibility they incur to their country, in case this treasure, or any portion of it, be ultimately lost. When the Bank of the United States was the depository of the public moneys, the Executive felt it to be his duty, more than once, to call the attention of Congress to the safety of the deposites. This he did in his message of the 4th December, 1832, and again in the subsequent message of the 3d December, 1833. And so sensible, at that day, was the National Legislature of the importance of correct information, that a committee was raised to examine the subject, and report the result of such examination. That committee instituted and went through with a most minute and laborious examination, which induced this House solemnly to declare to the nation, by resolution, that the public moneys were safe in their then place of deposite. Now, in 1832, when the attention of Congress was called to this subject by the Executive, the Bank of the United States had, on deposite, of public moneys, $6,957,621 54, and it had of specie in its vaults, $8,026,055 45, more than dollar for dollar to meet the demands of the Government. Compare, sir, this statement with the present condition of the people's money. You have thirty-six deposite banks, and an official paper from the Secretary of the Treasury of the 18th April, 1836, shows the immediate liabilities of these banks to be $93,000,069 96. Their immediate means to meet those liabilities to be $38,082,699 93. Again, sir, in another official paper, showing the situation of those bank son (or nearest to) the 1st May, 1836, we are told they hold of our money $38,496,755 09, and that they have of specie $10,202,245 80½. In view of these things, can the faithful sentinel proclaim "all is well?"

But this is not all. Suppose one of the receivers at your land offices to refuse to take from purchasers the notes of specie-paying banks, but, by way of particular favor and accommodation, cash the notes at 5 per cent. discount, and thus realize a small fortune. If reports be true, this is not a mere case of supposition. I put it, however, only as a supposable case, and even in that point of view it is worthy of our attention and examination. I do not propose now to discuss the vexed question, whether State banks are competent to answer the great end of their selection, to regulate the currency of the country, prevent derangement, and facilitate to the mercantile world domestic exchanges. They have been selected, (whether for good or for evil time only can fully determine,) and I am only desirous of so regulating them that the country may sustain no loss.

It was urged with great force and effect against the Bank of the United States, that it paid no interest upon the deposites of public money, although that bank had paid for its charter one million and a half of dollars. The deposite banks pay no interest--they have of course paid nothing by way of bonus, and are not subject to federal legislation. We were told of the impropriety of a course of legislation tending to make "the rich richer, and the poor poorer," and of the danger to our institutions in permitting foreigners to hold our stocks. Yet the Manhattan Bank of the city of New York is a deposite bank—it has a capital of two millions and fifty thousand dollars—six hundred thousand dollars of which capital I believe to be owned by the family of the Marquis of Carmarthen. This bank, by the returns nearest to the 1st of March, 1836, held to the credit of the Treasurer of the United States $3,000,552 37, and to the credit of public officers the sum of $272,943 53.

I do not make these remarks now by way of censure upon the dominant party. The change in your deposites was well characterized as "an experiment," and the present system is operating, under a new order of things, with no national debt, and a Treasury full to plethora. They are made with the single view of inducing gentlemen, having the power, to come up to the work of examination--to disregard all influence arising from the cry "that the opposition are willing to reunite with them in pressing a full and fair investigation of subjects connected with the safe keeping of the national treasure, and its proper use and application." The necessity for immediate legislation is by no means lessened by a reference to the alarming increase of State banks and paper circulation within the last six years. In 1830, the whole number of banks may be set down at three hundred; in January, 1835, at seven hundred and fifty, with a circulation double what it was in 1830. I have not the means of stating the precise amount of circulation at the present time, but believe myself within bounds, putting it at one hundred millions. One of your Territories, (Florida,) with a population at present, and probably destined always to be, sparse, has, within the current year, proposed an increase of banking capital to the amount of twelve millions, with life and trust companies without limits. My own State (New York) has, during the past winter, increased her banking capital $5,670,000. What is to check this mad career in State legislation, and give to the country a metallic basis sufficient to support a superstructure already unwieldy, disjointed, and disproportioned? In looking at recent occurrences in another part of this hall, (upon "a bill to regulate the deposites of the public money,") I entertain the hope that something may yet be done, ere the close of the present session, to place your Treasury under the protection of law, and in the hands of responsible agents. It is due to all the best interests of the country, nay, to the banks themselves, that we should not separate without regulating, by law, the deposites of the public money. There is at present an uncertainty hanging over the subject, which must embarrass and cripple the banks, (if they have any reference to their own safety,) in attempts to meet the wants of the business classes, and relieve the pressure of the money market. They know not when they may be called upon to give up their deposites; they feel that the Secretary of the Treasury has it in his power to close their doors at any moment; and one consequence of this uncertainty is, that the large amount now in deposite is virtually withdrawn from circulation.

I trust I am not mistaken in anticipating action upon this subject from those having the control of majorities. If so, we shall hear no more of an exhausted Treasury; of the want of surplus revenue; of fears that the States are to be bribed with their own money. It possibly may then be admitted that there is quite as much danger in leaving forty millions of money under the control of a man restrained by no law, if by any moral obligation, as in distributing it amongst the several States according to their ratio of representation.

Entertaining these views, and believing you will have in the Treasury, at the end of the year, between sixty and seventy millions of dollars; that you cannot expend over about thirty millions, including seven millions for Indian treaties, and including also the Indian wars now raging upon your borders, with the large appropriations already made for the navy and army, I shall oppose the extraordinary amendments proposed to the bill upon your table--believing that, in so doing, I grant to the country all that can be expended upon desirable objects, and that I shall contribute my mite in securing a fund now in jeopardy, and in restoring it to the people, from whom it was derived, for purposes entirely beneficent--that this is my high and imperative duty as one of the guardians of the public treasure, and as an American desirous of perpetuating the republican institutions of this Government.

The debate was continued by Messrs. **TOWNS, THOMPSON** of South Carolina, **CAMBRELENG, BRIGGS,** and **PINCKNEY.**

Mr. **STORER** moved to amend the bill so as to reduce all the appropriations, except that for Fort McHenry, one half the amount specified in the bill; and argued at length against so large appropriations, and in favor of the reduction.

After some remarks from Mr. **HOWARD**, in reply,

Mr. **KINNARD** called for the previous question; which was not sustained.

Mr. **KINNARD** said he desired to say a few words in explanation of his reason for having moved the previous question. It must be apparent that this bill has already consumed its equal share of the consideration of this House. He could not, for one, consent to postpone the other great questions about which the people of the country had more anxiety than about the appropriation of the enormous amount of money embraced in the amendments proposed to the bill. It was true, the previous question would have affected those amendments. But is the necessity to debate them for days and weeks so urgent as to justify the defeat of much, and perhaps nearly all, of the other measures which have been long demanded by the interests of the country, and particularly by the Western States, to whose affairs very little time had as yet been devoted? He would instance the case of the Cumberland road. It was well known that the work on that great thoroughfare had long been suspended, on account of the failure to pass the necessary appropriation. Considering the time when it was acted on in the Senate, and introduced in this House, Mr. K. thought it was entitled to an early consideration. When, some days since, the chairman of the Committee of Ways and Means proposed to make the present bill the special order of the day, Mr. K. felt it his duty to solicit the honorable chairman to include in his motion the Cumberland road bill. His wishes, and the measure referred to, seem to meet with no favor from that quarter.

It would be recollected that the appropriation originally proposed for that road in the other branch had been greatly reduced. On what ground, sir? The ostensible reason, although Mr. K. believed it untenable, was, that there would not be time to expend the money. While this delay is to be extended, is it fair to apply such an argument against the measure, in which the whole West is interested, while it falls powerless in the estimation of some gentlemen, when urged against the amendments now under consideration? Here you propose to add to the fortification bill an immense amount of the public money, exceeding by millions the original estimates. Are we satisfied that this amount will be required before the next session? Is your corps of engineers so numerous as to justify the expectation that this money can be judiciously applied to the construction of the works which they are to superintend during the present season, or within twelve or eighteen months? He apprehended that such an expectation is not generally entertained. Shall we, then, debate endlessly about appropriations which the public service does not now require, to the postponement and defeat of those which are absolutely necessary? This, he conceived, would not be extending fair treatment to the other interests of the country, and to the numerous persons who had claims against the Government outstanding and unpaid.

Mr. K. remembered full well what doctrine was held during the former Congress, in relation to appropriations of this character, by the republican party. Whenever it was then proposed to amend the fortification bill in this way, the House was reminded of the importance of the estimates; that it was prodigal and extravagant to exceed them; that new works ought not to be commenced until the old were repaired and completed; and that new and extraordinary objects of expenditure should not be sought out and ingrafted upon bills of this description. Mr. K. considered this good doctrine; he had adhered to it throughout. The prospect of a French war impending over the country had induced him and the party with which he had acted to depart from it, in order to meet that particular emergency. When we have not such reasons, shall we depart from the usages and principles which have heretofore governed the republican party? Is there no other demand upon the Treasury, upon the time and action of this House, besides these fortifications? If we dare do nothing else, if any portion of this House should dissent from the course of policy indicated by the amendments, and by the arguments of some gentlemen, and should be denounced for it, it would then appear to him that one of the important landmarks of the democratic party was about to be abandoned, and it might become a matter of doubt how the parties of the day are divided. He hoped always to have it in his power to act with those whose polar star had been economy in the public expenditures. To that original and fundamental principle of the republican faith he, for one, was determined to adhere. Mr. K. was for appropriating whatever was required for the public defence in the proper time and manner. But, while he remembered that he was the representative of a laboring, agricultural, tax-paying, and patriotic people, he would not vote to disparage their principles and his own, and would endeavor to avoid giving his approbation to any system of prodigality which might be proposed from any quarter.

The debate was further continued by Messrs. LANE, HARDIN, HAWES, BOON, PARKER, and BRIGGS.

Mr. BRIGGS asked for the yeas and nays on the amendment; which were ordered.

Mr. HARD moved an adjournment about 7 o'clock; lost: 73 to 83.

After some remarks by Mr. BELL, in opposition to the amendment,

Mr. CAMBRELENG moved that the bill be made the special order of the day for Friday next, from and after the hour of 11, A. M.; which was agreed to.

DISTRICT BANKS.

The bill from the Senate to extend the charters of certain banks of the District of Columbia, and for other purposes, was then taken up on its reference.

Mr. PINCKNEY moved to refer the same to the select committee on the District banks.

Mr. LANE moved its reference to the Committee on the District of Columbia.

Pending these motions, after some remarks from Messrs. LANE, BOULDIN, and THOMAS,

The House adjourned.

Wednesday, June 8.

FRENCH WINES.

On motion of Mr. LAWRENCE, the following bill on the Speaker's table, entitled "A bill to repeal so much of the act of March 2, 1799, as respects the issuing of certificates on the importation of wines," was taken up and ordered to be engrossed; and, having been engrossed, was, after some conversation between Mr. LAWRENCE, Mr. HAMER, and Mr. McKIM, read the third time and passed.

REVENUE SERVICE.

On motion of Mr. SUTHERLAND, the bill to regulate the compensation of officers of the revenue cutters was taken up on its third reading; and after some conversation between Messrs. WILLIAMS of North Carolina, SUTHERLAND, BOND, WISE, LAWRENCE, and GIDEON LEE,

Mr. GILLET observed that the duties and compensation of the officers of the revenue cutters are prescribed in the act of March 2, 1799. When this law was passed, the coast and commerce of this country were far more limited than they are at present. All know our commerce was then small, and our seacoast extended only to Florida. Our commerce is now expanded to an astonishing extent, and our limits have been enlarged so as to include the extensive coast of Florida, Alabama, and Louisiana. All who are acquainted with the climate of this added coast, and the course of commercial operations in that quarter, must arrive at the conclusion that this service has been rendered more arduous and hazardous. It is also incontestably true, that the expense of living in that quarter is far greater than it is in any other part of the Union. In 1799 the compensation then given these officers would procure them nearly double the necessaries and comforts of life that the same sum now gives them. Every thing has risen in price, as all must know. The causes he would not now examine. It could hardly be disputed that it cost more to support a family on the seacoast than it did in 1799. This had been conceded by acts of Congress. A portion of the revenue officers had, by a law in 1816, or about that period, their pay increased fifty per cent. Another portion, those whose compensation depended upon fees of office, had had their pay increased by the increase of business at their respective offices; so that, on the whole, the pay of nearly every officer, except those in the cutter service, has been increased. These officers, who are very limited in number, remain as they were when their pay and duties were first prescribed; and this, too, when their duties are rendered more arduous and dangerous. They now guard the coast from the Passamaquoddy to Texas, and are out all seasons of the year. They must be on duty at sea amid the storms of the North and the hurricanes of the South. They must visit all vessels approaching our coast, whether there is disease on board or not. They must watch the movements of those who have designs upon the revenue, and fly to the relief of the wrecked mariner. Such services ought to be so compensated as to command men of capacity and integrity. This bill did not compensate them beyond what was given to others in the service, whose duties are not so arduous as those in the revenue service. He hoped the bill would pass.

Mr. HARDIN, after a few remarks, called for the yeas and nays on the passage of the bill; which were ordered.

After some further remarks from Messrs. SPEIGHT and BOON,

Mr. PEARCE, of Rhode Island, remarked, that, believing the House to be almost unanimous on this subject, he moved the previous question; which was seconded by the House: Yeas 80, nays 40.

The main question was then ordered, and, being put, was decided, by yeas and nays, in the affirmative: Yeas 146, nays 52.

So the bill was passed.

MICHIGAN AND ARKANSAS.

In execution of the special order of Monday last, the House then proceeded to the consideration of the following bills:

"An act to settle and establish the northern boundary line of the State of Ohio."

"An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

"An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

The first bill having been read,

Mr. THOMAS, after a brief explanation of the provisions of the bill, which he maintained had become unnecessary, from their being embraced in the bill to establish the Territorial Government of Wisconsin, and the bill to provide for the admission of Michigan into the Union, moved to lay it on the table.

Mr. VINTON appealed to the gentleman to withdraw the motion, as he desired an opportunity of showing that the separate boundary bill was indispensable.

Mr. THOMAS said: Mr. Speaker, the bill before the House contains three sections. By the first it is proposed to establish the northern boundary line of the State of Ohio where that State contends it ought to be fixed. The second section is designed to confirm the northern boundary line of the State of Indiana, as surveyed and designated by a former act of Congress, in conformity with the provisions of the law providing for the admission of that State into the Union. The third section of this bill was intended to fix the northern boundary line of the State of Illinois, as designated in a survey made in pursuance to the provisions of the constitution of that State. It will be remembered by the House that we have passed an act at the present session, establishing a Territorial Government for Wisconsin. In that act the southern boundary of the Territory, and the northern boundary of Illinois, are fixed on the line which, by the third section of the bill before the House, is to be made the north boundary of that State.

It is manifest, then, that the third section of this bill is unnecessary; the same may be said of the other two sections. The objects designed to be accomplished by them will be attained, if the bill next on the Speaker's table becomes a law. By its provisions the northern boundary lines of Indiana and Ohio are established, as it is proposed to fix them by this bill. This surely supersedes the necessity for any action on the bill before us. It will be a work of supererogation to place on the statute book two laws, designed to accomplish, in part, the same purposes, *in totidem verbis*. Believing this, and foreseeing that we shall gain time by such a proceeding, I move to lay the bill now before us on the table.

Mr. VINTON said he could not consent to renew the motion, and he would therefore ask for the yeas and nays; which were ordered, and were: Yeas 103, nays 103. The Chair voting in the affirmative, the vote was yeas 104, nays 103.

The next bill, being the "act to establish the northern boundary of the State of Ohio, and to provide for the admission of Michigan into the Union," &c., being then announced from the Chair,

Mr. WISE moved to postpone the further consideration of this bill till Monday, in order to proceed with the Arkansas bill.

Mr. THOMAS said he would call the attention of the House to the position of the two bills on the Speaker's table, and endeavor to show that this postponement is entirely unnecessary. These bills are from the Senate. By the rules of this House, two, I may say three, questions will arise, to be decided before they can become a law, so far as this House is concerned. We must first order each of these bills to be read a third time; the next question then will be, when shall the bill be read a third time? and the last question to be decided will be, shall the bill pass? Why, then, should Southern men now make an effort to give precedence to the bill for the admission of Arkansas into the Union? If they manifest distrust, must we not expect that fears will be entertained by Northern members, that unreasonable opposition will be made to the admission of Michigan? Let us proceed harmoniously, until we find that our harmony must be interrupted. We shall lose nothing by so doing. If a majority of the House be in favor of reading a third time the Michigan bill, they will order it to be done. After that vote has been taken, we can refuse to read the bill a third time, go into Committee of the Whole on the state of the Union, then consider the Arkansas bill, report it to the House, order it to be read a third time; and in this order proceed to read them each a third time, if a majority of the House be in favor of that proceeding.

Let it not be said that Southern men may be taken by surprise, if the proceeding here respectfully recommended be adopted. If the friends of Arkansas are sufficiently numerous to carry now the motion to postpone, they can arrest at any time the action of the House on the Michigan bill, until clear undubitable indications have been given that the Missouri compromise is not to be disregarded.

Mr. MASON, of Ohio, moved to lay the former bill on the table, and asked for the yeas and nays; which were ordered.

Mr. MASON then withdrew the motion.

Mr. LEWIS asked for the yeas and nays on the motion to postpone the Michigan bill till Monday; which were ordered.

Mr. WISE advocated the motion to postpone the Michigan bill, and the debate was continued by Messrs. CUSHING, PATTON, SUTHERLAND, BOULDIN, LEWIS, SPEIGHT, WILLIAMS of Kentucky, SEVIER, MANN of New York, HARDIN, and VANDERPOEL.

Mr. BOON moved the previous question, being on ordering the bill to a third reading.

Mr. VINTON raised the point of order, that the previous question could not be moved, inasmuch as it had not been read.

The House refused to second the motion for the previous question: Ayes 69, noes 108.

Mr. ADAMS said a few words on the subject, and stated that when the Arkansas bill came into the House, if no one else moved the subject of the restriction of slavery, he should.

Mr. WISE, after some remarks, modified his motion by moving to refer both bills to the Committee of the Whole on the state of the Union, with instructions to that committee to incorporate the two bills into one bill.

Mr. PATTON opposed the latter motion, and gave his reasons at length against it. If his colleague would so modify his motion as to refer both bills to the Committee of the Whole, omitting the instructions to incorporate them into the same bill, he would vote for it.

Mr. BOULDIN said he agreed with his colleague [Mr. Patton] in a fact too plain for any to overlook, that both bills must be acted on separately, and that one must have the preference in point of time. Michigan had it at that time—he was willing it should hold it. His colleague [Mr. Patton] seemed to think that in the incipient steps in relation to this bill, it would be well enough to suffer Michigan to hold her present position; but that, before the final passage of the bill, it would be well to require of the House (or rather of the non-slaveholding portion of the Union) to give some unequivocal guarantee to the South that no difficulty would be raised as to the reception of Arkansas in regard to negro slavery.

Mr. B. was willing to go on with the bill for the admission of Michigan. He had the most implicit confidence in the House, particularly alluding to the non-slaveholding part of the Union, that no serious difficulty would be made as to the admission of Arkansas in regard to negro slavery.

If there were any serious difficulties to be raised in the House to the admission of Arkansas, upon the ground of negro slavery, he wished immediate notice of it. If his confidence was misplaced, he wished to be corrected as soon and as certainly as possible. If there really was any intention in the House of putting the South under any difficulty, restraint, limit, any shackle or embarrassment on the South on account of negro slavery, (some gentlemen said slavery, but he said *negro* slavery,) he wished to know it.

If there were any individuals having such feeling, he wished to know them; he wished to hear their names upon yeas and nays. If there were a majority, he should act promptly, decisively, immediately upon it, and had no doubt all the South would do the same. There might be some question as to the claim of non-slaveholding States to stop the progress of Southern habits and Southern influence Northward. As to Arkansas, there could be no question; and if seriously pressed, such claims could leave no doubt on the minds of the South as to the object of those who pressed them, or the course to be pursued by them. Such a stand being taken by the non-slaveholding States, it would make little difference whether Michigan was in or out of this Union.

He said he would sit down, again assuring the House, and the gentlemen particularly from the non-slaveholding States, of his entire confidence that no such thing would be seriously attempted by any considerable numbers of this House.

Mr. **LEWIS** said he should vote for the proposition of the gentleman from Virginia [Mr. WISE] to lay the bill for the admission of Michigan into the Union on the table, until the bill for the admission of Arkansas should be first passed.

He should do this, for the obvious reason that there were dangers, he would not say how great, which beset Arkansas, and which did not beset Michigan. The question of slavery could be moved as a condition for the admission of Arkansas, and it could not as a condition to the admission of Michigan. I look upon the Arkansas question as therefore the weaker of the two, and for that reason I would give it precedence. Besides, upon the delicate question which may be involved in the admission of Arkansas, we may be the weaker party in this House. For that reason, if gentlemen mean to offer no obstructions to the admission of Arkansas, let them give the assurance by helping the weaker party through with the weaker question. We of the South cannot, and will not, as I pledge myself, offer any objections to the domestic institutions of Michigan with regard to slavery. Can any gentleman make the same pledge that no such proposition shall come from the North? Besides, the two bills are not now on an equal footing. The bill for the admission of Arkansas must be sent to a Committee of the Whole on the state of the Union. The bill for the admission of Michigan need not necessarily go to that committee. It will therefore pass in perfect safety, while we shall be left to get Arkansas along, through the tedious stages of commitment, as well as we can.

The gentleman from Pennsylvania [Mr. SUTHERLAND] says that these two bills will be hostages for the safety of each other. Not, sir, if you pass the stronger bill in advance of the weaker. Besides, the North want no hostages on this subject. Their institutions cannot be attacked. We of the South want a hostage, to protect us on a delicate question; and the effect of giving precedence to the Michigan bill is to deprive us of that hostage.

Mr. L. said that he had understood the Delegate from Arkansas to say, that as the admission of Arkansas into the Union contained no appropriation of money, it therefore need not be referred to the Committee of the Whole on the state of the Union.

He read the 5th and 6th sections of that act, to show that there were appropriations to pay judges and district attorneys. Now, sir, gentlemen will see that the bill for the admission of Arkansas into the Union must be referred to the Committee of the Whole on the state of the Union. It must pass through the dark valley and shadow, not of death, I hope, but of trial. During this passage we have been told that it is to be attacked by the gentleman from Massachusetts. If Northern gentlemen wish it a safe deliverance, let them send with it, to the Committee of the Whole on the state of the Union, the bill for the admission of Michigan into the Union. Let the two bills travel the same road, share the same dangers, be subject to the same delays; and if one is attacked on the way, let not the other desert his fellow-traveller until the danger is over. Let them be reported from the committee at the same instant. Let them come into existence at the same natal moment, and be subject to the same dangers during the period of weakness and infancy. If gentlemen are willing to do equal justice to these two measures, this is a fair proposition, to which they will accede. If they do not accede to it, we ought to look to the safety of Arkansas.

The debate was continued by Messrs. **VINTON, MERCER, THOMAS,** and **BRIGGS.**

Mr. **BRIGGS** said he was in favor of committing both these bills. They proposed to admit two new States into this Union. These were measures of the greatest moment. The importance of the questions involved presents the strongest reason for this commitment, where they may have free and ample discussion.

The bill for the admission of Arkansas, it is admitted by all sides of the House, must be committed, as it creates the office of judge and marshal, with salaries attached to them. There is no direct appropriation in this bill; but as it provides for the appointment of officers, who, if the law goes into effect, must be paid out of the public Treasury, it creates a charge upon the Treasury, and requires commitment. He believed, by the spirit of the rules of this House, the bill for the admission of Michigan should be committed. If it becomes a law, that State will send her Senators and Representatives to this Congress, and they must be paid out of the public Treasury. The charge upon the Treasury is as direct and inevitable in the one case as in the other. The amount to be paid to their Representatives is established by a general law, and when the State is admitted, they will have the same claim for their pay for mileage and attendance as the present members of Congress have. This was a reason which he had not heard urged for the commitment of this bill; but he believed, if gentlemen would give their attention to it, they would come to the same conclusion that he was brought to. He would not raise the question of order, but desired to bring the subject to the notice of the House, in the hope that it would influence their vote. He asked for a division of the question, that the vote might be first taken on commitment, and then on the instructions.

The discussion was further continued by Mr. **BELL.**

Mr. **ANTHONY** observed that he should vote to give such direction to the Michigan bill as would keep it within the power of the House. We had already been upwards of six months in session, and much important business yet remained to be acted on, and we are now told that bills so interesting to the country should go into Committee of the Whole, in order that they might receive a full and untrammelled discussion, without being liable to be cut off by the previous question. Although he sometimes felt disposed to give his views on some subjects before the House, he had usually refrained from entering into debate, as he felt mortified to see the unwarrantable length to which discussion on almost every bill was generally extended. He regretted to observe the course pursued by some gentlemen, who acted as if they were desirous to continue the session till the 1st

Monday of November, when the next session is to commence. Some of the minority loudly deprecated the passage of bills, without affording them an opportunity of unrestrained debate on their merits.

The honorable member from Tennessee [Mr. Bell] strongly protested against the majority of the House passing bills so important, by the operation of what some gentlemen were pleased to term the "gag-law." Did not that highly respectable gentleman know that much of the past six months had been spent in useless and uninteresting debate? Did he not know that nearly every speech of any considerable length was composed, principally, of political anathemas against certain aspirants to political power and influence, or an elaborate essay on partisan politics, without any apparent reference to the subject under discussion? Did he not know that the commencement of a set speech was usually the signal for members to take their hats, leave the hall, and lounge about the public grounds, or walk off to dinner, suffering the orator to address empty benches, and perhaps a dozen fellow-members, who remained in their seats, because they were anxious to obtain the floor and follow in the same manner with an eloquent and appropriate speech for home consumption? Was it not notorious to every member of this House, that after some eight or ten speeches were delivered on almost any topic, every thing sufficient had been said to enable gentlemen to determine how they should vote; and all the speeches afterwards were a mere repetition, without a single new idea, to enlighten the mind of any member? After listening to an able exposition of each case that came before the House, by those who had carefully examined it, with a view to instruct and enlighten their fellow-members, it was a perfect waste of time to continue the discussion from day to day, and from week to week. Members had made up their minds, and all that could be urged in argument never changed a vote.

Mr. A. then remarked that the admission of the Territories of Michigan and Arkansas into the Union had been agitated in Congress for a long time, and he had little doubt that every member had determined his course; he was not, however, for stifling freedom of debate, and preventing a fair and proper discussion of these bills in the House. Gentlemen would have an opportunity to express their sentiments, and suggest such amendments as they deemed important. The House had already shown, by refusing to second the previous question, that members would not be arbitrarily deprived of debate; and he did think that at this late stage of the session, after so much time had been spent in protracted and often useless and unprofitable discussion, gentlemen would not make these bills the theme for long-winded speeches, of a partisan, political character, and which would not be listened to by one tenth of the members. He always had been and was now willing to trust to the sound discretion and unbiased judgment of the majority, if they determined, after suitable explanations, to cut off further debate by the previous question. The minority had no reason to complain; the responsibility of the measure rested upon the majority; they were accountable for the result, be it good or evil; they only said to those who wished to prolong the controversy, "Our minds are made up, our judgment is fixed, and it is now proper to come to a decision."

He had frequently listened with pleasure to the gentlemen from Tennessee, Virginia, Massachusetts, and Ohio, who wished to discuss the admission of these States; but he trusted that, as they had already embraced so many opportunities to address their fellow-members, they would not now, when other important bills must be acted on, and so much had been said on all political topics of the day, desire to procrastinate the business of the House by a protracted debate on a subject on which members, he doubted not, with few, if any exceptions, had come to a conclusion and were prepared for action.

Mr. A. repeated that he ardently hoped the House would keep the Michigan bill within its control. They already had reason to regret the unwarrantable length to which debate often extends, when the House had no power to restrain it—not even by sitting up all night and adjourning on the Sabbath morning. By refusing to commit this bill, we would avoid a "sea of troubles;" we would be able to afford a reasonable time for discussion; and when the majority were satisfied that enough had been said, they could put an end to the debate.

This course would enable us to reach other bills of a highly important character, and to decide upon them according to their merits. It would enable us to adjourn within a reasonable period, and we should return to our constituents with the cheering reflection that we had not consumed the whole of the session in talking instead of acting; in making partisan speeches for home consumption, instead of enacting wholesome laws for the benefit of our country.

Mr. **HAWES** asked for the yeas and nays; which were ordered.

Mr. **PATTON** inquired the opinion of the Chair as to the necessity of committing these bills.

The **CHAIR** replied that the bill for the admission of Arkansas, as it contained an appropriation for the judges, would, under the rules, require being committed; and that the bill for the admission of Michigan, although it contained no express appropriation, created a charge upon the Treasury, and came, though not clearly, within the spirit of the rule. The Chair read a former decision on the point, made in 1832.

After some remarks on the point from Messrs. **SPEIGHT, VANDERPOEL, REED, MANN** of New York, **BRIGGS**, and **BOON**,

The **CHAIR** decided that, according to the former decision, the Arkansas bill required to be committed; and accordingly, if that bill required to be committed, so did the other.

Mr. **WISE** withdrew his instructions, and the motion to commit was carried in the affirmative, without a count.

On motion of Mr. **WISE**, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. Speight in the chair,) and proceeded to the consideration of the bill entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

Mr. **TAYLOR** moved to amend the bill by a provision in relation to the boundary, as follows:

"Insert the word 'east,' after the word 'drawn,' in line 4th of the first section. Strike out after the word 'Michigan,' line 5th, all that follows, to the word 'bay,' in line 8th, and insert, 'to the centre of the Maumee (Miami) river, after that line so drawn shall intersect the eastern boundary line of the State of Indiana, and from the said line, in the centre of the said Maumee river, down the middle of the same to its mouth, and from thence'"—

Mr. **TAYLOR** said it was neither his habit nor inclination to occupy much of the time and attention of the House; and if he was so inclined, considerations of public duty would at this late period of the session restrain him from any extended remarks. But from the best examination and reflection which he had been able to give this subject, he had not been able to satisfy himself of either the justice or the expediency of the boundary between Michigan and Ohio, as described in this bill, and that he had felt it a duty to the people of Michigan, to the cause of justice, and to his honest and deep convictions upon this question, to offer the amendment which he had sent to the table. He said he was fully persuaded and convinced that if the bill passed without amendment, it would be in violation of the rights and the interests of the people of Michigan, secured by the sanctions of compact and of law, and will do them great injustice. From memorials which have been presented to this House from the people of Michigan, since they have been made acquainted with the report of the committee, it is evident that great dissatisfaction exists among them; and from the same documents we may infer that the compromise proposed by the amendment would be acceptable to them. He said that it appeared to him that the strongest objection which the State of Ohio had had to the boundary as claimed by Michigan will be removed, and that she will or ought to be satisfied with it. Mr. T. said as the question has been long before this House and the public, has been so agitating to both Michigan and Ohio as to threaten the most serious consequences, and so exciting as to command the attention of all, he presumed every gentleman upon this floor had made up his mind, and was as ready to vote now as he would be after a protracted debate. He therefore preferred, without entering into a protracted discussion, to submit the amendment, hoping that the vote may be taken without much delay in the passage of the bill; and he had only to say at present, that if the amendment shall not pass, he should feel compelled to vote for the bill as it is, not feeling at liberty to vote against the admission of Michigan into the Union; and then if Michigan accepts the terms of her admission, in conformity to a provision of the bill, he should be content, having discharged his duty; her boundary will then be altered with her own consent. But he said he would add, as his opinion, if Michigan accepts the terms of her admission into the Union, as provided by this bill, it will be found a compulsory acceptance rather than a voluntary choice.

Mr. VINTON submitted the following amendment, to come in at the end of the second section:

"And provided, also, and it is hereby further expressly declared, that if the convention provided for in the third section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall nevertheless be, and forever remain, fixed and established between them and Michigan, as the same are in this act above specified and described."

Mr. HANNEGAN hoped the gentleman would strike out the name of Indiana from his amendment, as the boundary of that State was long and permanently settled, and stood upon higher ground than the bill providing for the admission of Michigan into the Union could place it.

Mr. VINTON explained that he had inserted Indiana because it should not be said that he had taken care of the interests of his own State alone.

Mr. McCARTY saw no objection to the name of Indiana being retained in the amendment.

Mr. HANNEGAN, after a few remarks, moved to strike out the word "Indiana" from the amendment of the gentleman from Ohio.

The amendment was then further debated by Messrs. LANE, HANNEGAN, McCARTY, VINTON, MASON of Ohio, GALBRAITH, HARDIN, THOMAS, and EVERETT, who moved that the committee rise, but withdrew it at the request of

Mr. UNDERWOOD, who suggested an amendment which, he said, he would move at a subsequent stage.

Mr. ROBERTSON then obtained the floor, and gave notice of certain amendments he should hereafter move, having reference to securing the interests of the United States in the public lands in Michigan.

Mr. THOMAS said a few words in explanation, and renewed the motion (as requested) that the committee rise; which prevailed: Yeas 74, nays 54.

The committee accordingly rose and reported.

The Speaker having resumed the chair,

On motion of Mr. SEVIER, the supplementary bill from the Senate, in relation to the admission of Arkansas into the Union, was included in the special order on the other bills.

Mr. HANNEGAN moved that the House again go into Committee of the Whole on the state of the Union on the Michigan and Arkansas bills, and asked for the yeas and nays on that motion.

Mr. EVANS then rose and moved that the House adjourn.

Mr. HANNEGAN asked for the yeas and nays; which were ordered, and were: Yeas 84, nays 74.

So the House adjourned.

Thursday, June 9.

MICHIGAN AND ARKANSAS.

The House, in further execution of the special order, went into Committee of the Whole on the state of the Union, (Mr. Speight in the chair,) and resumed the consideration of the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union.

The following amendment, offered by Mr. Vinton, being under consideration:

"And provided, also, and it is hereby further expressly declared, that if the convention provided for in the 3d section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall nevertheless be, and forever remain, fixed and established between them and Michigan, as the same are in this act above specified and described"—

Mr. EVERETT made his acknowledgments to the committee for according to him last evening a delay till this morning. He had then been in his seat during a session of eight hours, and was too much exhausted to proceed: he acknowledged it as a personal favor, and in return would endeavor to consume as little of their time as possible. He said that one object which he had in addressing the House was, to exclude conclusions that might be drawn from the report of the committees of both Houses, which asserted, or took it for granted, that Congress had no power to form more than two States north of the lake line. For one, he claimed the power for Congress to form in that territory as many States as the convenience of its inhabitants might require.

Mr. E. said he would place the committee in possession of an analysis of the opinions he had formed, to enable them more easily to accompany him as he proceeded.

The objections to the bill for the admission of Michigan into the Union arise from its assumed boundaries, and from its constitution, and from the provisions of the bill.

I. From its assumed boundaries.

1. That, under the ordinance of 1787, Congress is restricted to the line drawn due east through the southerly bend of Lake Michigan, (the lake line,) as the south line and boundary of the one or two States that it was authorized to form in the territory north of that line.

This will be examined as a question of construction, and also of intention.

He should then examine the questions arising under the ordinance.

1. Has Michigan a right to demand admission into the Union until formed into a State by Congress, according to the power reserved in the ordinance?

2. Was an act of Congress necessary to authorize Michigan to form a constitution, preliminary to her admission into the Union?

3. Has Congress a right to demand of Michigan a relinquishment of her ordinance boundary as a condition of her admission?

It will then be insisted—

1. That the United States do not hold the sovereignty

of that Territory directly under the cessions of the original States, but under the cessions of the three States formed by the 5th article of the ordinance; under which Congress has the power to form States at pleasure, with such boundaries as shall be deemed proper, independent of all the restrictions (of boundaries) of the ordinance.

2. That it is, therefore, improper to ask the assent of Michigan to any boundary that Congress may think proper to prescribe.

II. Objections to the constitution of Michigan.

1. It was formed by a convention elected, in part, by foreigners.

2. It naturalizes foreigners.

III. Objections to the bill.

1. It authorizes a convention, to be elected under the constitution of Michigan, to ratify its boundaries.

2. It provides that the Representative and Senators already elected under their constitution shall be entitled to seats in Congress.

I. In relation to the question of boundary.

I contend that, under the ordinance, Congress had no power to make any line other than the lake line the boundary between the three States formed, and the one or two States that might be formed under the fifth article.

The fifth article is as follows:

"Art. 5. There shall be formed, in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in a State than sixty thousand."

As a question of construction—

The ordinance establishes the entire boundaries of three States. No general power was reserved to Congress to alter these boundaries. The only power reserved was that Congress might alter them by doing a certain act prescribed in the ordinance, viz: by forming one or two States in the territory north of the lake line. It thus defines the line by which the boundary of the three States might be altered, and the act by which alone it could be done.

It is manifest that the object was not that the line should be fixed with the view to the extent of territory, but with a view to certainty. Had extent of territory been the object, it would have been easily effected by adopting a line of latitude as the boundary, as it will be seen was adopted in the prior ordinance.

For the purpose, then, of making the division line certain, the lake line was adopted as one that could, in all time, be rendered certain.

An argument has been attempted to be drawn from a criticism on the word "in," as used in the 5th article. It is proper, however, to say that it was not relied on in the report of the committee of the House. It has been said elsewhere that

"The territory of Ohio was within the eastern State. Congress then had power to extend Ohio to the territorial or Canada line; nay, the ordinance provided that it should be so extended, unless Congress should find it expedient to alter this provision. Illinois, Indiana, and Ohio, were all thus laid out by the ordinance as States to extend to the territorial line; but it was also provided that Congress might lay out one or two States 'in (not, as the ordinance has sometimes been misquoted, out of') that part of the territory north of the east and west line referred to.

"A power to form one 'or two States in a territory' is not to be restricted, without the grossest violence to all the rules of construction, to a mere power to form one or two States out of that territory. The latter is a power only to divide the whole territory into two States, or form one of it all; the former is a power to select any portion of that territory for the purpose of forming one or two States, and then of either assigning the whole so selected to one State, or dividing it between two. The power here given to assign all the country north of the east and west line to three States primarily designated in the ordinance, embraces the power to assign any part of it to them, and it is evident that Congress has always so understood it."

Unfortunately for this argument, it is refuted by the terms of the article itself, as well as by the general object of the article.

The fifth article commences with these words:

"There shall be formed IN the said territory not less than three nor more than five States." Would it have been a fair execution of this provision to have formed the five States "out of" one half of the territory? What would be the condition of the country excluded?

The object of the ordinance was to make disposal of the whole territory. It is entitled "An ordinance for the government of the territory of the United States northwest of the river Ohio." Its provisions extended to the whole territory. The preamble to the five articles of compact is as follows:

"And for extending the fundamental principles of civil and religious liberty, &c.; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed IN the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal bounties on an equal footing with the original States, at as early periods as may be consistent with the general interest:

"It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent."

There is, then, no foundation for the construction that would limit the term *in* to a part, either in relation to the whole territory or to the part north of the east and west dividing line.

As a question of intention—

This question relates to the intention of the parties to the cession of Virginia, and as between them it may be proper to have reference to the intention of the parties as a fact.

To ascertain the fact of intention, it will be necessary to have reference to the previous acts of the parties, from which it will be evident that it was the fixed purpose of Virginia to make the boundaries of the States certain, and that that purpose was adhered to, except as to the line that should divide from each other the two States that might be formed north of the lake line; and that if only one State was formed north of that line, then its boundaries were rendered certain. Why make any division, if not certain?

It should be borne in mind, during this investigation, that the object of the parties was simply to divide the territory of the United States into States. Neither party had the acquisition of territory in view.

On referring to the journals and documents of the Congress of the confederation, but little doubt will remain that the intention of the parties will be found to agree with the construction of the ordinance.

At the close of the war of the Revolution, the territory northwest of the Ohio was claimed principally by New York and Virginia: other western lands were claimed by other States. The other States insisted that it was acquired by the blood and treasure of all the States, and ought to be disposed of for the benefit of all.

On the 6th September, 1780, Congress passed a resolve recommending to the several States that had claims to such lands, to cede them to the United States.

Congress, by a resolution of the 10th October, 1780, resolved that the lands so to be ceded should be disposed of for the common benefit of the United States, formed into republican States, and which should become members of the Federal Union; that the extent of each should not be less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit.

On the 2d January, 1781, Virginia passed an act to cede the western territory to the United States, on the condition that it should be laid out and formed into States, according to the terms of the resolution of 10th October, 1780. Other conditions were also annexed.

On the 3d November, 1781, a committee of Congress reported against accepting the cession of Virginia.

A similar report was made on the 10th April, 1782; in consequence of which, the cession of Virginia was not accepted, and thus this cession was rendered ineffectual. (See appendix.) *

On the 13th September, 1783, Congress passed an act stipulating the terms on which the cessions would be accepted, embracing, among others, the terms of the resolve of 1780 as the basis for the subsequent division of the ceded territory into States.

On the 20th October, 1783, Virginia, by an act, authorized her delegates in Congress to execute a cession of the western territory on the terms stipulated in the act of 13th September, 1783.

On the ———, 1784, the subject of the division of the western territory into States, according to the resolve of 1780 and the act of 1783, was committed to a committee consisting of Messrs. Jefferson of Virginia, Chase of Maryland, and Howell of Rhode Island.

On the 1st March, 1784, Mr. Jefferson, from the committee, reported a resolution to lay out the western territory into two ranges of States, divided by the meridian of the foot of the rapids of the Ohio, (84 deg. 45 min.) and bounded west by the Mississippi, and east by the meridian of the mouth of the Great Kanawha, (81 deg.) and each State, commencing from the completion of lat. 31 deg. and going from south to north, to contain 2 deg. of lat.; providing, however, that all north of 47 deg. should belong to the State next below it; and that the States between the parallels of 45 deg. and 43 deg. should be divided by Lake Michigan; and that the eastern State should include the whole peninsula north of 31 deg.; and, also, that the territory east of the east meridian, and between Lake Erie, the Pennsylvania line, and the Ohio river, should constitute a State; thus laying out ten States (to which names were given) north of lat. 37 deg., including, however, in the ninth State, the point of land at the confluence of the Ohio with the Mississippi river, below 37 deg.

Contemporaneous with this report, on the same 1st March, 1784, the delegates of Virginia, in pursuance of the authority given by the act of their State of 20th October, 1783, executed to the United States a cession of the western territory.

On the 23d April, 1784, Congress passed an ordinance, laying out and dividing the western territory into States, on the general basis of the report of the committee, with this alteration: that all above 43 deg. was to constitute two States, to be divided by the dividing meridian of the falls of the Ohio; and that where the Ohio river nearly coincided with lat. 39 deg., it should be the boundary instead of that latitude. This ordinance received the votes of the delegation of Virginia, was contemporaneous with her act of cession, and is to be considered as an execution of the condition of the cession of Virginia.

By the terms of this ordinance it was subject to alteration at any time before sales of some part of the lands had been made.

Thus far, it appears to have been the intention of Congress and of Virginia, that the boundaries of the States should be fixed and certain, regardless of all other considerations.

It is also worthy of note that all parties were in favor of creating a large number of States. Under the confederation, the large States seemed to be jealous of creating rivals. When the formation of the constitution was in prospect, fears were entertained from another source.

The next was moved in 1786. At this time, however, no sales had been made, and it was, therefore, competent for the original parties to the cession to change its conditions, and, until sales were made, for Congress to repeal the ordinance.

On the 7th July, 1786, a resolution was moved in Congress recommending to the Legislature of Virginia to revise the act of cession, so far as to empower Congress to divide the territory into not more than five nor less than three States. The power proposed to be asked was general, without any restriction as to extent or boundaries.

The delegates from Virginia moved, as a substitute, to recommend to Virginia and Massachusetts so to alter their acts of cession as that the States in the western territory might be bounded as follows: There should be three States between the Ohio and a line running due east from the Mississippi to the eastern boundary of the United States, so as to touch the most southern part of Lake Michigan, and two States north of that line; the States south were to be divided by the same division lines that were afterwards adopted in the ordinance of 1797; and the States north were to be divided by Lake Michigan. This left no discretion or power in Congress

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* Though Virginia may have had no right to the territory northwest of the Ohio, yet we accepted her grant, with certain conditions, and which were subsequently recognised by Congress as binding.

The resolution of 1786 states that unless Virginia assented, the States must be restricted as to their extent by the condition of the resolution of 1780.

The ordinance of 1787 recognises the assent of Virginia as necessary.

as to extent or boundaries. The boundaries were to be fixed and certain.

The substitute was rejected, and the original resolution adopted, with some immaterial amendments.

The report of the committee of the House, (No. 380,) after stating the object of the substitute, contains the following admission, which it seems to me is a surrender of the argument:

"Here, then, we have displayed, distinctly, the wishes of the representatives of one of the parties to the ordinance. If they had been acceded to by the other party to that compact, the east and west line, drawn through the southerly bend of Lake Michigan, would have been made a permanent and immoveable boundary of the three States on the Ohio; and the same line, with Lakes Michigan, Huron, and the Straits of Michilimackinac, would have been fixed boundaries for a State to be formed in the peninsula which they surround."

The admission is, that if the substitute had been accepted—that is, if the ordinance had established the five States, with boundaries therein mentioned, and, in addition thereto, had said that the centre of Lake Michigan should be the dividing line between the two northern States—then the lake line would have been the immoveable boundary of the three States on the Ohio.

The assent of Virginia not having been given to the resolution of 7th July, 1786, Congress, on the 13th July, 1787, submitted another proposition, based on a compromise between the resolution and the substitute, viz: the 5th article of the ordinance of 1787. The resolution proposed the alternative of three or five States; the substitute proposed five as the fixed number. The resolution asked for a discretionary power to fix the boundaries; the substitute established the boundaries of all the States: first, by a line dividing the three southern from the two northern States, and then by dividing lines between those of the south and between those of the north. The ordinance of 1787 provides first for the boundaries of the three States, subject to alteration if Congress should deem it expedient; extending them each from the Ohio to our northern boundary, and dividing them by the lines of longitude named in the substitute, leaving no discretionary power in Congress. If there should be five States, the ordinance provides that the three southern States should be divided from the two northern States by the same east and west line that is mentioned in the substitute, leaving no discretion in Congress as to this dividing line. The only discretion given in the substitute was as to the dividing line between the two northern States. The substitute made Lake Michigan the dividing line; but the ordinance, while it left it to the discretion of Congress to make one or two States, and if two, to settle the dividing line between them, yet gave no discretion as to the lake line. Both the substitute and the ordinance establish the lake line as the line that should divide the three States from the one or two States that might be formed north of it.

If the power had been to form only one State north of the east line, then the admission of the committee would, in terms, admit the immutability of the lake line. This one State would have been as distinctly bounded as the three southern States; and now, out of that territory thus definitively bounded, two States are to be formed, and the immutability of the lake line changed by the discretion given to Congress to fix the boundary between the two States north of it.

The report asks--

"If it had been the purpose of the Congress of 1787 to make an east and west line, drawn through the southern extreme of Lake Michigan, a fixed northern boundary for the three States which were to be formed on the Ohio, and to form another State in the peninsula of Michigan, is it to be believed that they would not have adopted the language of Mr. Grayson's resolution, which was before them, on those points, as they had borrowed the language of the same resolution in describing the boundaries of the three States, whose eastern, southern, and western boundaries it was their intention to make immutable?"

It is not the declared purpose of the ordinance of 1787 to form a State in the peninsula of Michigan, but to form one or two States in the territory north of the lake line; and if two States, it was left to Congress to fix the dividing line; if but one State, the boundaries were already given. It would have been, therefore, manifestly improper to have used Mr. Grayson's language as to the dividing line between the two northern States, when it was to be left to Congress to fix the line.

An argument is attempted to be drawn from the reasons which induced the passage of the resolution of 1786. It is thus stated in the report:

"Many of the members of the Congress of '87 had been members of the Congress of '86. It is fair to presume they knew well the reasons which had influenced Mr. Grayson to make his motion, and the considerations which had induced its rejection. Fortunately, we are not dependent, entirely, on conjecture to learn some of the motives which, on that occasion, guided the counsels of Congress. They are to be found recorded on its journal. In the preamble to the resolution of July, 1786, it is declared that, 'in fixing the limits and dimensions of the new States, due attention ought to be paid to natural boundaries, and a variety of circumstances, which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each State.' Now, there is no evidence to show that additional information had been obtained by Congress, after this preamble was adopted, prior to the passage of the ordinance. Indeed, we are well apprized that, long after the latter period, no map of the northwest territory, more accurate than Mitchell's, had been published. Lewis's map, dated in 1815, and Vance's map, in 1818, each exhibit the errors which are so conspicuous in the face of the map first mentioned. The lights of science and civilization had not broken through the clouds of dark uncertainty which then overshadowed the far West. The latitude even of the southern extreme of Lake Michigan had not been clearly ascertained. Neither had the resources and extent of the territory lying north of an east and west line, drawn through that point, been explored. Congress, under such circumstances, would have acted unwisely, if they had fixed, irrevocably, any one of the boundary lines of a State, or States, to be formed in a country which had never been traversed by civilized man. They ought to have adhered, and it is believed they did adhere, to their original purpose. They fixed the east, west, and south boundary lines of three States, and postponed a decision as to the limits, dimensions, or even numbers, of those to be formed, until a variety of circumstances, which a more perfect knowledge of the country would point out, would enable them, or their successors, to provide for the future growth of each State, as well as the accommodation and security of the first adventurers. Hence they adopted the language of Mr. Grayson's resolution, in part, and rejected it in part. They knew the extent of the country on the Ohio, and could, therefore, accede to his proposal so far as to establish the south, east, and west boundaries of three States, to be organized on the Ohio border. But they refused to make, as he had expressly proposed, a line drawn due east from the Mississippi, so as to touch the southern extreme of Lake Michigan, a limitation beyond which these States should not extend. And Congress refused, also, to form the Michigan peninsula into a State, as Mr. Grayson had proposed, to be admitted into the Union whenever there should be sixty thousand free inhabitants therein. Instead of this, they adopted the fifth article of the ordinance, which declares that the three States on the Ohio shall extend north to the territorial line between the United States and Canada: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it to be expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan."

The question is as to the construction of the cession of Virginia, as modified by her assent to the fifth article of the ordinance. Her assent was not given to the resolution of 1786, but to the new proposition contained in the ordinance of 1787. It is not perceived how the resolution, or any which led to it, could vary the construction of a new proposition, made because the former one was not acceptable. The report, however, assumes that, because the substitute of Mr. Grayson was rejected, and that substitute established the line dividing the northern from the southern States, the same was not established by the ordinance; the same argument would apply to all the other lines; and, in fine, it is assuming that, because Congress, in 1786, rejected a proposition which established all the lines of all the States, it could not adopt a proposition in 1787 which gave a discretionary power as to one line, without unsettling all the rest. Yet such is the argument.

But there is a point of view in which the principal fact stated, the want of an accurate survey, is entitled to consideration.

It is stated, and may be taken for granted, that Mitchell's map was the only evidence of the location of Lake Michigan before Congress in 1787, when the ordinance was made, and before the Legislature of Virginia when she assented to the 5th article.

On referring to that map, an east and west line drawn through the south bend of the lake is a latitude line of 42 deg., 20 min. and which would include a much greater extent of line than is claimed by Ohio.

It then becomes question of intention—of fact—which line did the parties intend—the line due east through the south bend of the lake, or the latitude line indicated by that found on Mitchell's map? There is no ground for taking any intermediate line.

Connected with the principal fact above stated, was also the fact that, in 1787-'8, it was well known that Mitchell's map was not founded on an actual survey, but was conjectural as to the location of lakes and rivers. Though made on the best authorities then to be obtained, yet no one relied on it as an accurate delineation of the location of the lakes and rivers of the north.

It is material to consider what were the objects of the contracting parties. It was not a contest between independent nations, in which the object on either side was the acquisition of territory, but simply to divide the territory of the United States into future States, that were to become members of the Union. It was not, therefore, a question of a little more or a little less on either side. On the one side, Congress desired an unlimited discretion as to all boundaries; on the other, Virginia contended that Congress should have no discretion whatever; but the boundaries of all the States should be established, as a condition to its cession. The first question then to settle was, whether the lines should be floating or fixed, when it was determined that they should be fixed; the question was not so much where, as that they should be certain, and a point was taken that could be rendered certain.

On these grounds, I have come to the conclusion that, both on the principle of construction and the fact of intention, the line drawn east and west through the southerly bend of Lake Michigan was immoveably fixed by the ordinance of 1787, as the dividing line between the three States on the south and the one or two States that might thereafter be formed on the north of it; that the lines of the three States, as bounded in the 5th article, were subject to be altered by Congress only in the event of its determining it to be expedient to form one or two States north of that line; and that the only act by which Congress could alter such boundaries was the formation of such State or States; and, as a consequence—the formation of the territory north of that line into one or two States—the limits of the three States would be reduced to that line as their northern boundary; and that Michigan, if admitted under the power given to Congress by the ordinance, is entitled to that line as her southern boundary. This boundary Michigan has assumed and claims as her right under the ordinance.

I will now proceed to examine the questions arising under the ordinance:

1. Has Michigan a right to demand admission into the Union until formed into a State by Congress?

The three States formed by the fifth article, and each of them, according to their extent, had the right to apply for admission; unless Congress, by the exercise of the special power reserved in the ordinance, had restricted their limits to the lake line, they had the right to claim the whole of the northwest territory. The forming the one or two States north of that line was a subject of expediency—of discretion—and no portion of that territory had a right to demand that Congress should exercise that discretion that Congress should form it into a State, much less by its own act form it into a State. The territory north of the east and west line has therefore no right to demand admission into the Union until it has been formed into a State by the act of Congress.

The case of Tennessee is not in point. In that case, the cession of North Carolina was on the condition that the territory (Tennessee) ceded should be formed into one or two States, and, as one or two States, it was entitled to admission into the Union. Congress was bound to admit it at all events into the Union, and as one State, unless it should think proper to form it into two States. But under the Union Michigan was entitled to become a part of the Union, as a part of the States to which it belonged under the fifth article; it had no claim to be divided into a separate State. In the case of Tennessee, Congress neglected to form it into two States, and the inhabitants petitioned to be admitted as one State. It had the requisite number of inhabitants, and Congress could refuse it admission only on the ground that it was expedient to divide it into two States, and by thus dividing it.

To entitle Michigan, then, to an admission into the Union, under the ordinance, Congress must, by some act, have formed the territory into a State; not a political community, but have designated the boundaries as a State, according to the provisions of the ordinance, viz: by forming the territory north of the east and west line into two States, of which the Territory of Michigan is one. This has not been done, though Congress has passed acts from which it may be inferred that it intended, in some aftertime, to form it into one or two States, or at least that the right should be reserved.

The power reserved to Congress by the fifth article to alter the limits of the three States was necessarily limited in time. It must have been executed prior to the admission of either of the three States with their entire extent of territory, the admission of a State necessarily carrying with it a relinquishment of all right of sovereignty in the United States.

The act for the admission of the State of Ohio, in 1803, restricts the northern boundary to the lake line; so far, it looked to the future execution of the power. It reserved the right to restore Ohio to its original boundaries; so far, it looked to the contingency of its future determination on the expediency of exercising that power; so that, in no view, can this act of the admission of Ohio be regarded as an execution of the power.

The act of 1805, establishing the Michigan Territory by certain boundaries, probably looked to the same contingencies, but in itself had no necessary relation to the execution of the power. In itself it was in no sense an execution of the power. The result, then, is, that by no act, express or implied, has Michigan been formed into a State, or the power reserved to Congress been in any way executed.

2. The next question is, whether any act of Congress, other than an act constituting one or two States, &c., is necessary as preliminary to the demand of a State to admission to the Union, under the ordinance. The condition on which States under the ordinance are entitled to admission, is the following clause, which is applicable as well to the one or two States that might be formed, as to the three States which were formed by the 5th article:

"And whenever any one of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided the constitution and government so to be formed shall be republican, and in conformity to the principles contained in those articles."

The only conditions required are, that the State shall have 60,000 inhabitants, and should have adopted a constitution conformable to the ordinance. No preliminary act of Congress is required to enable the State to form a constitution. The ordinance of 1784 provided for the establishment of temporary governments in the several States formed by it, and required acts of Congress preliminary to their forming constitutions, under which their conventions were to be called for that purpose. The ordinance of 1787 did not provide for the establishment of temporary government in any of the States formed or to be formed under it. Provision was made for a territorial government, not having any reference to States, but to the whole territory. Whenever the fact of a State having 60,000 inhabitants existed, those inhabitants were entitled to move in such manner as they should think proper, to the end to form a constitution, and demand admission into the Union.

But taking it, however, for granted that the act of 1805 was an execution of the reserved power, then it is admitted that Michigan is entitled to admission on the same principles that would have been applicable to the admission of either of the three States. That, being a State, the only condition was, that she should have 60,000 inhabitants, and have formed a republican constitution, and to the formation of which no preliminary act of Congress was required.

3. Congress has no [right to] insist on her assent to an alteration of her ordinance boundary as a condition of admission.

It could, not as a condition, have demanded it of either of the three States; they were entitled to admission by their entire boundaries, unless Congress should choose to alter them by forming one or two States north of the like line.

The result, then, is, that Michigan, in relation to the question of boundary, is not entitled to demand admission into the Union under the ordinance, because Congress has not formed her into a State under that ordinance; and the consequence follows, that the original lines of the three States, extending from the Ohio river to the northern boundary of the United States, have not been altered by any act of Congress authorized by the ordinance; and that the whole territory now belongs to those three States, unless it has been relinquished by them to the United States.

II. It is now insisted that the portion of the northwestern territory, not within the limits of the States of Ohio, Indiana, and Illinois, has been relinquished by those States to the United States. And under this title it has been competent for Congress to divide it into as many States as it shall deem proper, with such boundaries as shall be deemed expedient, under the clauses in the constitution giving to Congress the power "to dispose of and make all needful rules respecting the territory belonging to the United States, and to admit new States into the Union."

The ordinance of 1784 was a compact, unalterable, (after a sale of any part of the land,) unless by the joint consent of Congress and of the State within which the alteration proposed was to be made.

The ordinance of 1787 was a compact between the United States and the people and States in said territory—unalterable unless by common consent—by the consent of the parties to the compact—"the United States and the people and States in said territory." The State of Virginia was not a party to the compact. It was therefore competent for Congress and the States to alter the provisions of any of the articles of the compact, so far as the interests of the States were concerned. The right of soil was vested in the United States by the cessions. The right of sovereignty alone remained to the States, and this right was reserved to each State. It was therefore competent for each State to relinquish to the United States its right of sovereignty to any portion of its territory; and even independent of this power, each State had the same right of relinquishment. The United States, by accepting such relinquishment, would hold the sovereignty of the territory relinquished, subject to the powers granted by the third section of the fourth article of the constitution. Congress would have the power to make all needful rules and regulations for the government of the territory, for its division into States, and for their admission into the Union.

The cession of Virginia looked only to the primary division of the territory into States. When admitted into the Union, they were to be admitted on an equal footing with the other States. It would be competent for Congress, with the assent of any one of these States, to divide it into two States, and each of these new States had the same power to cede any part of her territory to the United States that Virginia had to make her cession.

The three States formed by the ordinance, at the request of Congress, have severally, by the highest act of sovereignty—the act that is now required of Michigan—relinquished to the United States their right of sovereignty to all the territory north of their northern boundaries.

The State of Ohio accepted the lake line as her northern boundary, and, as a consequence, relinquished her right of sovereignty to the territory north of it. It was accepted, however, subject to two provisions. The first was contained in the act of 1802, authorizing Ohio to form a constitution, as follows:

"*Provided*, That Congress shall be at liberty, at any time hereafter, either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid, to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid State, or dispose of it otherwise, in conformity to the fifth article of compact between the original States and the people and States to be formed in the territory northwest of the river Ohio."

Congress at this time had not determined the question of the expediency of forming the one or the two States north of the lake line, and by this provision reserved the power of determining it thereafter.

The other provision is contained in the constitution of Ohio of 1803, as follows:

"*Provided always, and it is hereby fully understood and declared by this Convention,* That if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami river of the lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extended to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid; thence, northeast, to the territorial line, and by the said territorial line to the Pennsylvania line."

Thus reserving to Congress the right, on the contingency specified, of granting to Ohio the extension of her northern boundary to its original limit.

The first provision was in perfect accordance with the ordinance; it bound Congress either to restore the territory to Ohio, or to execute the ordinance, by forming one or two States north of the lake line.

The second provision was in direct conflict with the ordinance, and could not be executed until Congress had determined not to form the new State or States north of the lake line; and the validity of its execution would not depend on the special power reserved to Congress by the ordinance; it would not derive its force from the act of Congress alone, but from the joint action of Congress and the State of Ohio.

It may be repeated that the power given to Congress by the ordinance to alter the boundaries of the three States was absolute, but it was also definite. It might be executed without the assent of the States, but it could be executed only in the manner prescribed. On the admission of Ohio into the Union, all power necessary to the execution of the ordinance was reserved; but it will be found that, on the admission of Indiana and Illinois, no such power was reserved, and that, in consequence of the terms on which they were admitted, it became impossible for Congress to execute the power reserved in the ordinance.

On the 7th of May, 1800, the Territory of Indiana was established, and comprised all the territory included within the boundaries of the two western States, by the ordinance of 1787.

On the 11th of January, 1805, the Territory of Michigan was established, and included all that part of the Northwestern Territory lying north of the lake line and east of a line drawn from the southerly bend of Lake Michigan, through the middle of the lake, to its northerly extremity, and thence due north to the northern boundary of the United States; thus including in Michigan, and excluding from Indiana, a part of the territory of the middle State of the ordinance of 1787.

On the 3d of February, 1809, the Territory of Illinois was established, consisting of all the territory of the western State of said ordinance.

The act of 19th April, 1816, authorized the inhabitants of the Territory of Indiana to form a constitution.

By the 2d section of the act, the northern boundary of the State was proposed to be limited to a latitude line ten miles north of the lake line, to which that State was invited to assent, by the following proviso:

"*Provided,* That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the Territory northwest of the river Ohio."

Thus expressly declaring that, if the convention did not agree to the restricted boundary, their boundaries should remain as prescribed by the ordinance; that is, extending northerly to the northern boundary of the United States, and, prior to the admission of Indiana, subject to be altered by the act of Congress alone, according to the provisions of that ordinance.

The restricted boundary was ratified by the convention, and from this change of boundary, deriving its validity from the joint act and assent of Congress and the State of Indiana, Congress had deprived itself of the power of executing the power reserved in the ordinance, of forming one or two States of the territory north of the lake line.

The Territory of Illinois, as before stated, was formed of the whole territory that constituted the western State, under the ordinance of 1789.

By the act of the 18th April, 1818, the inhabitants of that Territory were authorized to form a constitution.

By the 2d section of the act it was proposed to limit the northern boundary of the State to latitude 42 deg. 30 min., and the assent of Illinois was invited, by a similar proviso to that in the act relating to Indiana.

The convention ratified the restricted boundary, and thereby relinquished its right of sovereignty to the territory north of it.

Thus, by the relinquishment by the three original States of their sovereignty to the territory north of their respective restricted limits, the United States acquired the sovereignty of the same, and, under the constitution, have the power to make all needful rules and regulations for its government, for the formation of States, and for their admission into the Union; and this not in opposition to the ordinance, but in perfect accordance with the provision authorizing the alteration of the compact by common consent.

This relinquishment it was competent for the States to make, as sovereign States, without looking to the ordinance for authority. Had Ohio, Indiana, and Illinois, been admitted into the Union with the boundaries given to the three States by the ordinance, can it be doubted that each would have had power to have relinquished any portion of its territory to the United States? By that power were the original cessions made.

The right of sovereignty being thus vested in the United States, it is competent for Congress to grant to Ohio, or confirm to Michigan, as it shall deem expedient, the territory in controversy.

It is, then, to decide in what manner any portion of its territory shall be admitted into the Union; to establish the boundaries, and to prescribe the manner in which it shall proceed to form a constitution. No portion of its territory has the right to demand admission by its own act, until Congress shall have, by law, determined these preliminaries.

2. Congress, then, having the power to define the boundaries of new States, it is improper to ask Michigan to give her assent to the boundary.

If, after Congress shall have prescribed the boundaries, the Territory should decline forming a constitution, the only consequence would be, they would remain a Territory until Congress should propose new boundaries.

Though no new State has the right to claim admission into the Union until Congress shall have determined its boundaries, and directed the manner in which it shall proceed to form its constitution, yet it is competent for Congress to assent to the admission of a State without these preliminary acts. If a portion of territory shall have, on its own motion, done those acts which Congress would have directed; if it shall have assumed such boundaries as Congress would have given her, and formed a constitution in the manner Congress would have directed, it is competent for Congress to ratify the same, and at once to admit such State into the Union.

It is now, therefore, competent for Congress to admit the State of Michigan into the Union, if satisfied with her boundaries, with the manner in which her constitution has been made, and with its provisions.

It may be here remarked that the acts of the three States of Ohio, Indiana, and Illinois, have no other effect than to alter the ordinance in relation to the number of the States and the boundaries of the three States. The right of soil remains to be disposed of, according to the conditions of the original cessions; the compact, in every other respect, remains in force. The cession of the three States affects the political right of sovereignty only.

The boundaries assumed by Michigan are the same as given to the Territory by the act of 1805. Though that act, on the face of it, is merely an execution of the general power granted in the ordinance of 1787, to divide the territory into one or two districts--a power which formed no part of the compact, a power at all times repealable, and a power which was superseded by the third section of the fourth article of the constitution--yet it can scarcely be doubted that it was intended as the basis of a State, in relation to its boundaries, to be admitted into the Union. And good faith requires that those boundaries should still be accorded to her, unless there are substantial objections.

In relation to the point in controversy with Ohio, such objections, in my opinion, formed on the evidence present, do exist; arising, first, from the public works of Ohio, to which the mouth of the Maumee river is necessary, is essential to Ohio; and, secondly, from the danger to the peace of the country, from the acerbity of the controversy. On these grounds, and on these alone, I am in favor of granting the disputed territory to the State of Ohio.

Objections also exist as to the western boundary, if more than two States are to be formed of the territory north of the States of Ohio and Michigan. In that case I should not be willing to extend Michigan beyond the peninsula.

II. The objections arising under its constitution, on which I oppose it, are, to the manner in which it has been formed, and to one of its provisions.

1. It was formed on the votes of aliens.
2. It naturalizes aliens.

The revolution did not commence in anarchy, in which all who were inhabitants of the country would derive equal rights from its success. It was the secession of organized States, in which, during its whole progress, the disabilities of alienage were recognised. As between the colonies and the mother country, the principle was anomalous; but as to persons foreign to both, the disability was fully recognised.

Under the confederation, the power of removing the disability by naturalization belonged exclusively to the States. On the cession of territory to the United States, Congress had the same power in relation to the territories of the United States that was possessed by the States within their territories, and under that power a question arises whether Congress authorized foreigners to vote in territorial elections.

The ordinance of 1784 authorized the States formed under it to adopt the constitution of any of the old States, which, when adopted, would have given the power of naturalization prescribed in it.

On the 10th May, 1786, a committee of Congress (consisting of Messrs. Monroe, Johnson, Pinkney, King, McKean, and Henry) reported an ordinance for the temporary government of the new States, in which was the following provision relating to the qualification of electors:

"*Provided, also,* That a freehold or life estate in fifty acres of land, if a citizen of any of the United States, and one year's residence if a foreigner, shall be necessary to qualify a man as an elector for said representative" (in the General Assembly.)

September 19, 1786.—The same was again reported by Messrs. Johnson, Pinkney, Smith, Dane, and Henry.

This was considered from time to time, and was assigned for a third reading for May 10, 1787, and the above provision amended by striking out *one* and inserting *two,* so as to read, "and *two* years' residence if a foreigner." On the 9th July, 1787, this report was referred to Messrs. Carrington, Dane, Lee, McKean, and Smith, who reported the ordinance of 1787.

In the ordinance of July 13, 1787, the proviso was altered so as to read—

"*Provided, also,* That a freehold of fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative."

It will be asked, why was this alteration made? Why was the word foreigner stricken out, and general words inserted, unless it were to exclude foreigners from voting? And, on the other side, it may be asked, what persons can be intended by those general words, if foreigners are not? Without expressing any opinion on this question, I shall, for the sake of the argument, take it for granted that the ordinance did authorize foreigners to vote.

This part of the ordinance was not a part of the compact, and was therefore liable to be modified or repealed by Congress, and consequently conferred no absolute right of citizenship. Though, under the confederation, the citizens of one State were entitled to the privileges of citizens in the other States, yet it carried with it but little political importance. The vote of an elector could not have any effect on the political power of any State other than that in which it was given. It was therefore left to each State to adopt its own rules of naturalization. When, however, a form of government was about to be adopted, in which the vote of an elector in one State might affect the political power of every State in the Union, when his vote might consequently elect a President of the United States, it became of the first importance that the rule of naturalization should be uniform. There was also the highest reason for its uniformity, from the adoption of the principle that citizens of one State should be entitled to the privileges of citizens in the other States. On these grounds the fourth clause of the eighth section of the first article was adopted, giving Congress power "to establish a uniform rule of naturalization."

On the adoption of the constitution, all who were citizens of any of the United States became citizens of the United States, entitled to equal political rights; but when Congress executed the power, and established a uniform rule of naturalization, no foreigner could claim in any State political rights without being naturalized according to that rule. The principle, however, has not been considered as extending to the Territories. Political rights granted to persons in Territories confer no rights of citizenship which they can claim in a State; and the votes given in a Territory, so long as they refer only to the local legislation of the Territory, cannot affect the political power of any State.

The privilege of extending to foreigners the right of voting for representatives of the Territorial Legislature has been extended to the election of delegates of the conventions for forming State constitutions.

In the act of 1802, for the formation of the constitution of Ohio, the persons entitled to vote were "all male citizens of the United States, of full age, resident within the Territory for one year, having paid a territorial or county tax, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the Territory." The latter clause must refer to the provisions in the ordinance of 1787, before stated.

The acts of 3d March, 1811, and 20th May, 1812, extend the right of suffrage in Indiana and Illinois to every free white male person of the age of twenty-one, who shall have paid a county or territorial tax, and resided one year in the Territory. The acts of 19th April, 1816, and 18th April, 1818, authorizing the elections of conventions to form constitutions in those States, authorize every free white male citizen of the United States, &c., and all persons having in other respects the legal qualifications to vote for representative, to vote for delegates of the convention.

Thus aliens have been permitted to vote for delegates to the conventions for forming the constitutions of Ohio, Indiana, and Illinois. But would Congress, in the case of Michigan, have allowed aliens to vote?

The act of 1805, establishing the Territory of Michigan, secured to the inhabitants the same rights (of voting) that were granted by the ordinance of 1785.

The act of 16th February, 1819, authorizing that Territory to send a delegate to Congress, conferred the right of suffrage to free white male citizens of the Territory, who had resided one year therein next preceding the election, and had paid a county or territorial tax.

The act of 3d March, 1823, which virtually repealed all prior acts relating to the rights of suffrage, provides "that all citizens of the United States having the qualifications presented by the act" of 16th February, 1819, "shall be entitled to vote at any public election in said Territory, and shall be eligible to any office therein," virtually repealing all former acts.

Thus, at the time of calling the convention for the formation of the constitution of Michigan, it was the fundamental law of that Territory that none but citizens of the United States, who had resided in the Territory one year next preceding the election, and had paid a county or territorial tax, should be entitled to vote.

There were several reasons for this law, as applied to Michigan, which did not apply to either of the three States. The Territory of Michigan, on its whole settled frontier, was contiguous to a foreign thickly settled country, and where that was not the case with either of the other States; and it was necessary to change the law so as to prevent such foreign population, usually transported across the line, from voting at our elections. Yet, in the face of this law of the land, the Territorial Legislature has authorized foreigners to vote, and who had resided in the Territory only twenty-two days previous to the passage of the act. The act was passed on the 26th day of January, 1835. In the second section the qualification of voters is prescribed:

"Sec. 2. That the free white male inhabitants of the said Territory above the age of twenty-one years, who shall reside therein three months immediately preceding Saturday, the 4th day of April next, in the year one thousand eight hundred and thirty-five, be, and they are hereby, authorized to choose delegates to form a convention, who shall be elected in the several districts as follows, to wit."

Would Congress have passed an act of this description? If not, will they sanction it? The act is a fraud on the rights of the citizens of the United States in that Territory. Why was the 4th of January fixed as the last day? I shall not answer the question.

The constitution, then, is the result of foreign votes, and accounts for that objectionable clause in it which naturalizes those foreigners who thus secured the victory.

The constitution of Michigan was signed on the 24th June, 1835, and contains the following article:

"Article II.—*Electors.*—1. In all elections, every white male citizen above the age of twenty-one years, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of this State at the time of the signing of this constitution, shall have the right of voting as aforesaid."

Thus every foreigner of the age of 21, who resided in the Territory on the 24th day of December, is naturalized by this article of the constitution, and clothed, in express terms, with the highest political privilege of a citizen of the United States.

Under a constitution thus formed, and containing this *unconstitutional* article, I cannot consent to admit Michigan into the Union.

III. Objection to the bill.

The next position is, that it is not competent for the convention, as proposed to be called, to ratify the boundaries named in this bill.

1. It supposes the constitution, under authority of which it is to be called, to be valid. Foreigners will be entitled to vote for members of the convention, and they will naturalize themselves even in an additional section of territory.

2. It calls on a portion of territory which is to be excluded from the State to vote on a fundamental law of the State, not only in excluding themselves from the State, but also in excluding others: they may have a casting vote.

3. It permits a convention, called by a defined territory, to make a constitution for a territory not represented in the convention that formed it. Should all the territory west of Michigan lake (that is proposed to be added) vote against being added, still the major vote of the peninsula may carry the question, and force them to become part of a State, and under a constitution in the formation of which they had no vote.

2d. The last position is, that Congress cannot, by an act of legislation, admit Senators and Representatives to seats in Congress. It belongs to each House separately to determine questions concerning the election of its members; and in the present case the Representative was not elected under any law. He derives his election from the ratification of the constitution, under the authority of this bill.

What is to be gained by this precipitate admission of Michigan? If the act passes, it cannot be represented during the present session. There is ample time to pass an act for forming a constitution, and authorizing an election of a Representative under it; for forming a constitution and electing Senators and a Representative in season to take a seat at an early day next session.

APPENDIX.

Extracts from the files and minutes of the Continental Congress, relating to the cessions of New York, Virginia, and Connecticut.

Report of Mr. Boudinot, Mr. Varnum, Mr. Jenifer, Mr. T. Smith, Mr. Livermore, on report of committee to whom were referred the cessions of Western lands to the United States by Virginia, Connecticut, &c., and on memorial of Illinois and Wabash Companies; read November 3, 1781.

April 10, 1782. Monday, April 15, 1782, assigned for the consideration of this report.

Entered on the journal, May 1. Cession of New York accepted 29th October, 1782.

The committee to whom was referred a report of a committee on cessions of Western lands to the United States, &c., submit the following report: That having had a meeting with the agents on the part of New York, Connecticut, and Virginia * * * * That Congress do, in behalf of the United States, accept the cession made by the State of New York, as contained in the instrument of writing executed for that purpose by the agents of New York, dated — day of — last past, and now upon the files of Congress; and that the President do take the proper measures to have the same legally authenticated and registered in the public records in the State of New York.

The reasons that induced your committee to recommend the acceptance of this cession are—

1st. It appeared to the committee that all the lands belonging to the Six Nations, or their tributaries, have been, in due form, put under the protection of England by the said Six Nations, as appendant to the late Government of New York, so far as respects jurisdiction only. (Vide Minutes of Council of New York, 1686 to 1760, and paper annexed, No. 2.)

2d. That the citizens of the said colony of New York have borne the burden, both as to blood and treasure, of protecting and supporting the said Six Nations and their tributaries for upwards of a hundred years last past, as the dependents and allies of the said Government; that the Crown of England has always considered and treated the country of the said Six Nations and their tributaries, inhabitants, as far as the 45th degree of north latitude, appendant to the Government of New York.

3d. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognised and admitted the said Six Nations and their tributaries to be appendant to the Government of New York.

4th. That by Congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the Union.

Resolved, That Congress do earnestly recommend to the States of Massachusetts and Connecticut, that they do, without delay, release to the United States in Congress assembled their claims, and pretensions of claims, to the said western territory, without any conditions or restrictions whatever.

Resolved, That Congress cannot, consistent with the interest of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guaranty the tract of country claimed by them in their act of cession referred to your committee.

Reasons.

1st. It appeared to your committee, from the vouchers laid before them, that all the lands ceded or pretended to be ceded to the United States by the State of Virginia, are within the claims of the States of Massachusetts, Connecticut, and New York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

2d. It appeared that a great part of the lands claimed by the State of Virginia, and requested to be guarantied to them by Congress, is also within the claim of the State of New York, being also part of the country of the said Six Nations and their tributaries.

3d. It also appeared that a large part of the lands first aforesaid are to the westward of the western boundary line of the late colony of Virginia, established by the King of Great Britain in council, previous to the present Revolution.

4th. It appeared that a large tract of the said lands hath been legally and equitably sold and conveyed away under the Government of Great Britain, before the declaration of independence, by persons claiming the absolute property thereof.

5th. It appeared that in the year 176—, a very large part thereof was separated and appointed for a distinct Government and colony by the King of Great Britain, with the knowledge and approbation of the Government of Virginia.

6th. The conditions annexed to the said cession are incompatible with the honor, interests, and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

Resolved, That it be earnestly recommended to the State of Virginia, as they value the peace, welfare, and increase of the United States, that they reconsider their said act of cession, and, by a proper act for that purpose, cede to the United States all claims and pretensions of claims to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great Britain, and agreeably to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

When Mr. Everett had concluded,

Mr. HOWARD followed at some length.

Mr. BOND spoke at some length, in reply to the gentleman from Maryland.

[Pending this discussion, the committee temporarily rose, and the House considered and concurred in the amendment of the Senate to the Indian appropriation and annuity bill.]

The debate was continued by Messrs. HARPER, LOVE, and SPANGLER.

Mr. ADAMS took the floor, and spoke at length in opposition to the boundary as proposed in the bill.

Mr. CORWIN followed in reply.

Mr. E. WHITTLESEY spoke in support of the amendment.

Mr. PEARCE, of Rhode Island, addressed the committee in opposition to that part of the bill which establishes the boundary.

Mr. VINTON followed in support of the amendment offered by him.

Mr. HAMER then rose and addressed the Chair as follows.

Mr. Chairman: I had hoped to avoid the necessity of engaging in the discussion upon the subjects now before the House; but I cannot, in justice to the State which I have the honor in part to represent, any longer remain a silent listener to the debates which are progressing around me. These questions have been so long pending before us, that it might well be supposed every gentleman was prepared to vote without further investigation; and at this late period of the session, with such a mass of unfinished business upon our tables, votes are much more important to the public interest than long speeches. Indeed, there is so much speaking here, and so little business done, that I often refrain from addressing the House, when I would otherwise do so, and when, like others, I am inclined to think I have something to offer that would be either interesting to the House, or calculated to throw light upon the subject before us. Upon the present occasion, however, the argument has taken a turn that requires of me an expression of my views, though it is not my design to enter into an elaborate examination of all the topics which have been ingrafted upon this debate.

It must be manifest to all who have witnessed the several movements in regard to this dispute between Ohio and the Federal Government, (for we do not recognise Michigan as a party to the controversy,) that there is somewhat of party politics mingled with it, both here and at home, among the people of Ohio. An overwhelming majority of the citizens of our State are for the boundary claimed by us, and they have no disposition to let party have any connexion with this claim; but the politicians have not taken exactly the same view of it, and some of them, it is very clear, have endeavored to turn it to account in the political struggles which now agitate the country.

The effect is visible here. Our delegation are unanimous for the claim of Ohio. We all go for the boundary; yet in arriving at the object of our hopes and wishes, we disagree materially upon various incidental questions. It is this disagreement which is the occasion in part of my now obtruding myself upon the attention of the House. I desire to be fully understood in my position; and then all, who have a right to know my sentiments, will be able to approve or disapprove of the course I have adopted.

It is not necessary for me to meddle with the difficulties between some of my colleagues and their *quondam* friend [Mr. Adams] from Massachusetts. I leave him in their hands. They are fully competent to take care of him, and to vindicate themselves from aspersions or misrepresentations which may come from that, or from any other quarter. My business is with other branches of the controversy.

There are three bills before the committee; the first, a bill merely to settle the boundary; the second, a bill to settle the boundary and to admit Michigan into the Union; and the third, a bill to admit Arkansas into the Union. The first one we have laid on the table, to remain there until the other two are disposed of. The whole delegation from Ohio, except one, voted against laying that bill on the table; but they were overruled by a majority of the House. With the motives of my colleague, who differed with us, I have nothing to do; nor shall I attempt to assign reasons for his vote. No doubt his motives were pure and his reasons satisfactory to himself; and he is very competent to defend his own course, either here or elsewhere. But of the vote of my colleagues, friends of the administration and myself, who voted against the motion to lay on the table, I have something to say. It is due to ourselves that our reasons should be known.

It is a good general rule in legislation, that each measure should stand upon its own merits, unconnected with every thing else. If good, let it prevail; if bad, let it be defeated. We applied that rule to the boundary bill. We were of opinion that a large majority of the House were in favor of the boundary claimed by Ohio, and that if this proposition stood alone, it would pass without much difficulty. But when it is connected with the admission of Michigan into the Union, we are by no means so certain of its success. There is a strong party in this House apparently determined to keep Michigan out of the Union during the present session. If they succeed, and our boundary question is connected with Michigan, it must necessarily share the same fate. This would be disastrous to Ohio. Her public works are suspended for a settlement of this question. Her interests, pride, and feeling, are deeply involved in it. Her people are impatient to see it terminated. A border war is lowering upon our northern frontier; and the moment Congress shall adjourn, without adjusting this dispute, it will break out with a train of outrages and bloodshed, that must be profoundly deplored by every man who loves his country. Myself, and those with whom I act, thought it imprudent, under these circumstances, to risk the fate of our boundary, by voluntarily attaching it to another question—the admission of a new State into the Union. We preferred having our bill first acted upon, and after that we were entirely willing to see the State admitted. We do not oppose her. The people of Ohio do not oppose her. We only object to her coming into the Union, and bringing a part of the territory of Ohio along with her, claiming it as parcel of the new State. This we oppose, and ever shall, whilst we have the sagacity to comprehend our rights, and the spirit to maintain them.

I come to the bill which is more immediately before us. It is a bill of several sections. The first section declares, expressly, that the boundary of Ohio shall be by a direct line running from the most southerly extreme of Lake Michigan to the most northerly cape of the Miami bay; being the line always claimed by Ohio, and the one named in her constitution. The subsequent sections prescribe the limits of the new State of Michigan, and require her to meet in convention, and agree to the limits so prescribed, before she shall be admitted into the Union; and, on her giving her assent, the President, by proclamation, is to declare her one of the independent States of this confederacy, entitled to all the privileges of the Union under the federal constitution. My colleague [Mr. Vinton] proposes to amend this bill, by adding a proviso, declaring that if Michigan should not assent to these new boundaries, still the northern line of Ohio shall be and remain as described in this bill. I am constrained to vote against this amendment. The reasons that influence me in doing so shall be briefly given.

It was with great difficulty this bill passed through the Senate. No opposition was manifested to that part of it which fixed our boundary, but there was violent resistance shown to the admission of the State. If the bill were now in that body, it is extremely doubtful whether it could be got through. We all know these things; the newspapers have informed us of their existence, in addition to the other sources of information which we possess. If we amend the bill in the slightest degree, it must go back to the Senate for their concurrence. Suppose they refuse to concur, or that they refuse to act on the bill this session, and let it remain on their files among the unfinished business, what will be our condition? How shall we avoid the alarming evils which are now impending over us, or meet the storm of public indignation that will burst forth against Congress for this unjustifiable procedure? I, for one, am not willing to meet it, nor am I willing to share any portion of the responsibility. I cannot, therefore, vote for any amendment to this bill, thereby creating the necessity to send it back to the Senate, and risking its final passage, unless that amendment be absolutely necessary to its validity. Such is not the case with this amendment; and I will now proceed to show that its adoption can be of no advantage to Ohio, in any respect whatsoever.

In the first section it is declared, in the most unqualified terms, that the northern line of Ohio shall be as we claim it. In the subsequent sections it is provided that Michigan may come into the Union upon her assenting to this line, and to the boundaries assigned to her by this bill. If the bill passes, and receives the sanction of the President, it will be a law, in all its parts. Whether Michigan shall comply with the condition or not, upon which she is allowed to come into the Union, is a matter of perfect indifference, so far as the validity of the law is concerned. If she complies, she will come in; if not, she will remain out; but, in either event, the law still stands in full force. Her failure to comply with its conditions cannot annul the law, or affect a single provision it contains. All that can be said is, that the law contains a provision with which the State has not complied; and the only consequence that follows is, that she remains out of the Union. The law itself remains wholly unimpaired.

But the conditions of this law are not in the first section; nor have they any necessary connexion with it. The subsequent sections may all be annulled, and still the first one will remain in full force. It is the first one alone in which we have any peculiar interest. It settles our boundary permanently, without condition or limitation. No subsequent section, nor any proceedings of Michigan under it, can affect our rights which are thus secured. To make this plain, I will illustrate my views by one or two cases. Suppose a law passed at the present session, giving to the State of Connecticut one hundred thousand dollars, in full for all her claims upon the General Government for revolutionary services, debts paid, men furnished, &c., during our struggle for independence. Attached to this law is a section providing that Massachusetts shall also receive one hundred thousand dollars from the Treasury of the United States, upon condition that her Legislature will pass an act relinquishing all other claims, and receiving this sum in full satisfaction of all her demands against the General Government. It is an easy matter to combine two such subjects in the same law; and it is not unfrequently done. Suppose, then, Massachusetts should refuse to pass the act required, or to accept the money in satisfaction of her claim, would that prevent Connecticut from getting her money out of the Treasury? We all know it would not. Her claim would be safe. No act of another State could affect it. She would send an authorized officer to receive it, and the funds would be delivered to him without asking, or caring, what had been done by Massachusetts in reference to her claims.

Again: we have now a proposition before this House, to recharter the several banks in this District. If we were to pass a law containing several sections, and in the first section should renew the charter of the Metropolis Bank, without any condition or limitation, simply declaring that it is rechartered for the term of fifteen years; and in the subsequent sections should renew the other charters, upon condition that a certain bonus, say fifty thousand dollars each, should be paid into the Treasury by the 1st day of September next—and if not paid then, the charters should expire—how could this condition affect the Metropolis Bank? It would be rechartered, and would proceed to transact business without regard to the course the other banks might think proper to pursue. Whether they should accept or reject the conditions imposed on them by Congress would be a question of no interest to the Bank of the Metropolis. The whole law would be valid and binding. So much of it as was conditional would be just as much a law as any other part of it. Those for whom the condition was intended could avail themselves of it or not, at their own pleasure. The law must remain, with its conditions, in full force—an expression of the sovereign will, and obligatory upon the citizens of the republic. The approbation or disapprobation of those who are allowed to benefit themselves by its provisions can derogate nothing from its authority or supremacy.

How can the present case be distinguished from those I have stated? Here is a bill of several sections, and the first one establishes our boundary in the strongest language that can be employed in legislation. No condition, no qualification, is attached to it. Subsequent sections declare that a new State may be admitted into the Union upon certain specified conditions. Now, whether these conditions are acceded to or not, whether the State shall come in or not, is a totally separate and distinct question from the one settled in the first section of the bill. Our line is permanently and unchangeably established, and no future movement of either Michigan, Congress, or any other power, can shake or invalidate its location.

With this view of the subject, I cannot vote for my colleague's amendment. It will endanger the passage of the bill, by sending it back to the Senate; and it is unnecessary, because the bill already contains all that Ohio wants. In attempting to obtain more, we may lose what is already offered, and is within our reach. Let us adhere to the bill as it is, and arrive at a final arrangement of this delicate and vexed question, which has already agitated our whole country to an alarming extent, and threatened at one time to involve our frontier citizens in a border war, in which many valuable lives must have been lost, and a stain inflicted upon the character of our free institutions which time could not have effaced.

Before any thing is said of the merits of our claim, it is proper that I should notice an argument presented by the gentleman from Rhode Island, [Mr. Pearce.] He took it upon himself, in a very cool and self-complacent manner, to denounce our pretensions as utterly groundless, and hoped Congress would not act so unjustly towards others as to concede to Ohio what we believe to be her right, according to every known principle of equity and justice. He seemed highly delighted with one idea upon this subject, which he pressed upon our consideration with some ability and a great deal of earnestness. He asked, with an air of triumph, "If Ohio believes her cause to be just, why does she not allow Michigan to come into the Union, and then submit the question to be tried and decided by the Supreme Court of the United States?" Is it possible that such doctrine is to be urged here, in the House of Representatives, in such a discussion, and in the present advanced stage of political science? Are the old doctrines of judicial supremacy about to be revived? Is this all-grasping and dangerous department, which has done more than any other department of the Government to fritter away the rights of the States, about now to be vested with authority to decide upon the political rights of sovereign communities? Is the jurisdiction of a State to be held subject to the order of a federal judge, and the highest attributes of sovereignty to be controlled by a decree in chancery? Is this democracy? It may be so in Rhode Island, but I can assure the gentleman it is not so in the West. Ohio acknowledges no right in the Supreme Court to try such questions; she will never submit to such a mode of determination. It is a legislative question, and not a judicial one. Here is the place to determine it. Congress has only to relinquish the claim of the Federal Government to the country in dispute, and there is an end of all controversy. If the court had authority to try the cause, how unwise and impolitic would it be for us to send it there! Why not put a quietus to it at once, instead of having a long and tedious lawsuit about it. When a word can place the parties where they ought to be, shall we endeavor to shift the responsibility from our own shoulders, and throw it upon the court? There it may remain for years; and, in the mean time, our public works are unfinished; property sinks to half price; improvements are retarded; there are conflicting laws and jurisdictions over the inhabitants, and perpetual quarrels among the citizens along the border. Why voluntarily produce this state of things, when it is so easily avoided?

But there is a much more serious consideration still, which ought not to be overlooked by a wise statesman. No case of this kind has ever been decided by the Supreme Court. In the case of New York and New Jersey they agreed to exercise jurisdiction, so far as to require the defendant to appear, and to progress with the cause; but they expressly left the question open to the last, whether they could finally decide such a case between two States or not. The cause was settled by the parties, and never decided by the court. Since that time another case has arisen, in which the court has in the same manner assumed jurisdiction, and the case is now pending. Let them proceed in this way without objection, and in a few years this power, so dangerous to the States, will ripen into perfect maturity. For one, I desire to enter my solemn protest against it. Suppose, however, that the court should go on to a final hearing of the cause, and when this action of ejectment, or bill in chancery between two sovereign States, is determined, one or both should refuse to abide by the decision; what would be done? How would your court enforce its decree? By what means would it turn one party out of possession, and put the other in? Every man who hears me knows it could not be done. Process may be issued against an individual, or a number of individuals, and obedience to the mandates of a court enforced; but no such proceeding can be tolerated against a State. Where would the marshal find a *posse* sufficient to compel any of the States, especially one of the larger class, to yield possession of her territory, and have it transferred to a neighbor? If she chose to submit to it, very well; but if she did not, there is no way to compel her but by arms. You must fight her. Are you prepared to do this? Are we ignorant of the political axiom, that our Government is held together by moral influences alone? It is not a Government of physical powers. In monarchies and aristocracies, armed men sustain the Government. It is not so here. Moral power, public opinion, mutual concessions and compromises, hold our confederacy together. Abandon these and resort to force, and your boasted Union, the proudest, loftiest, and purest temple of civil liberty that ever existed, will be crushed in an instant, and its scattered fragments be swept away, like straws upon the surface of a torrent.

What man here desires to see our institutions subjected to such a test? Who wishes to aid in trying such an experiment upon their stability? If the decrees of your court are once successfully resisted, what regard will ever be paid to them afterwards? Away, then, with all such doctrines and schemes to break down the Judiciary, or to shift responsibility from ourselves. Let us come up like men; examine the question, and dispose of it according to the best of our information and the dictates of an impartial judgment. We have been implored for many years to adjust this difficulty. Here, then, let it be done. Our decisions command confidence and esteem, and they carry a moral influence with them that is almost irresistible. It is seldom that any community will attempt to resist them; when they do, all must be conscious that they assume a most fearful responsibility.

The grounds of our claim have been so often stated to this House, and they are so fully and ably set forth in the lucid report of the honorable gentleman from Maryland, [Mr. THOMAS,] that it is scarcely necessary to detain the committee at this time by a labored argument upon the subject. But our rights have been so much misunderstood, and so much misrepresented, that I will briefly remind gentlemen of some points upon which we rely. It should be distinctly understood that we are not mendicants petitioning Congress to grant us a donation, but we are demanding what is ours by compact; we ask a recognition of our claim on the part of Congress, so that their tenants or wards may no longer disturb our possession. We allege that a contingency has occurred that entitles us to the line we claim, and we ask Congress to acknowledge the existence of that contingency, and to relinquish all demand on their part to the territory within the new line. We ask the Federal Government to declare expressly what they have already declared impliedly. When we came into the Union, it was agreed and understood, that if a due east line from the southerly bend of Lake Michigan would not give us Maumee bay, then we should have a line running from the southerly bend of the lake to the most northerly cape of Maumee bay; so that the bay was to be ours at all events. Now, we know that the due east line first mentioned will not give us the bay. Congress knows it also, for their officer has so reported. We say it is plain that, according to the original understanding when we came into the Union, we are entitled to the other line, which gives us the bay. Congress is asked to admit this, in so many words: that we may have peaceable possession of the country, and be no longer harassed by other authorities, pretending to claim under Congress, and to be clothed with power to punish our people and drive away our public officers Is this unreasonable? Is this asking a gift from you? It is asking you to be honest, and to do what every good citizen would do voluntarily. A bad one would be compelled to do it by the civil authorities. It remains to be seen whether the Federal Government will follow the example of a good citizen, and honestly fulfil its contracts; or disgrace itself in the eyes of the civilized world, by refusing a simple act of justice to one of the States of this Union.

Every gentleman, either in or out of Congress, who has attempted to argue the question in behalf of Michigan, has gone back to the ordinance of Congress adopted in 1787. They seem to rely upon this document as the foundation of their claims, and thus go behind the compact between Ohio and the General Government, formed in 1803, of which I have just been speaking. It is supposed that Michigan derives her rights from that ordinance; and, consequently, no act of Congress in 1802 or 1803, or of any subsequent period to 1817, could at all affect her interests. A more radical or material error could not well have been adopted. Michigan is not known in the ordinance of 1787. She has no vested rights under it; nor is she one of the States named in it, which is entitled to come into the Union whenever there are sixty thousand inhabitants within her limits. This assertion of right has been repeated so often in her behalf, by persons who have either never read the ordinance, or had not sense enough to understand it when they did read it, that hundreds now believe it, and will not be persuaded to the contrary. Yet it is not true; she never had any such right; and Congress can now, under the ordinance, cut up Michigan, and divide her between Ohio and Indiana, and never admit her into the Union. We do not desire any such thing; we believe she ought to come into the Union; but we cannot admit that she has any vested rights upon the subject. A careful examination of the ordinance will prove that we are correct in our opinions.

It is not necessary to explore all the ancient charters granted by the British Crown, to ascertain who among the several States of the old thirteen had the best title to the country northwest of the Ohio river, or whether any of them possessed a right to it, other than the common title which they all gained by conquest, and which was recognised by the treaty of peace with Great Britain in 1783. Whether the Federal Government derived its title from this treaty, or from the cessions of Virginia and other States, who made deeds to it for their respective claims, is a matter of perfect indifference. They had become the exclusive owners of both soil and jurisdiction at the time of passing this ordinance. I do not speak of the Indian claims, nor of small tracts of the country owned by others, because they have no connexion with the point now under consideration.

By the ordinance of 1787, the whole country northwest of the Ohio is divided into three States, running from the Ohio river on the south to the great chain of lakes on the north. Each of these States was to be entitled to admission into the Union whenever it should have sixty thousand inhabitants, or sooner, if circumstances would allow. The right, however, to come into the Union, upon having that number of inhabitants, was a vested right, of which they could not justly be deprived. These three States, now known by the names of Ohio, Indiana, and Illinois, covered the whole country, including the present Territories of Michigan and Wisconsin. Had there been no other provisions in the ordinance in regard to a subdivision of States, or no further legislation by Congress in reference to such divisions, we should have been spared the present difficulty. Ohio and Indiana would now cover the whole of Michigan, whilst Indiana and Illinois would possess the entire Territory of Wisconsin.

But the ordinance provided, further, that the boundaries of those three States should be subject so far to be altered, that if Congress should thereafter find it expedient, they should have authority to form one or two States in that part of said territory which lay north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. Here is no creation of additional States; but there is authority given to Congress to create one or two more, if they should ever think it expedient. If they should not think it expedient, then the three States remain as they were marked out and bounded by the ordinance, and will necessarily run clear through to the Canada line. The case is easily understood. No one can mistake its true position.

Not only every lawyer, but every man of common sense, will perceive there are but two ways in which the boundaries of these three States can be changed. One is by compact or agreement with Congress; and the other is by an act of Congress under the ordinance, creating one or two new States in that part of the country lying north of an east and west line drawn through the southerly bend of Lake Michigan. In one of these two modes, only, could their lines and corners be changed. Their rights were secured by the ordinance; but they might consent to an alteration, or Congress might make a change without their consent, by making new States, but in no other way whatsoever. I defy any gentleman to devise any other means of changing a single line or corner, besides the two I have named. It is important that we should keep this proposition distinctly before us during the present investigation. We shall see, presently, how the frail tenements of some gentlemen will tumble down about their heads. It is well for them that their superstructures are of light materials, or the fall might be followed by very serious consequences.

It will not be pretended by any one, that Congress has ever created a State in the country lying north of the east and west line named in the ordinance. Territories are not States. Will a member of this House contend that the erection of a Territory is the creation of a State, within the meaning of the proviso? To such a gentleman I have no arguments to address. All attempts to convince him would be useless; and I shall not trouble myself to assail him in his stronghold. If no State has been established by which the boundaries of Ohio have been changed, then she still extends to the Canada line, unless her limits have been altered by compact. These, it must be remembered, are the only modes in which a change can take place. What are the facts in reference to this question?

In 1802, when Congress passed a law authorizing Ohio to form a constitution, preparatory to her admission into the Union, the Federal Government proposed by that act a change of boundaries for Ohio; binding her on the north by a line due east from the southerly bend of Lake Michigan. It was entirely optional with Ohio to accept or reject this proposition. Suppose she had rejected it, what would have been the consequence? Nothing in the world except that she might have been kept out of the Union until she had 60,000 free inhabitants, and then they would have been compelled to admit her. She would have come in, too, with her boundaries running through to the Canada line, unless Congress had made a new State to prevent it. A Territory would not have answered the purpose.

Ohio could not only accept or reject this proposition, absolutely, but she might accept it with modifications or conditions. She did the latter. When her convention met, they agreed to accept the boundary proposed to them by Congress, provided, when the east line should be run, it would give them the Maumee bay; but if it did not, then they declared that line should not be accepted as their boundary, nor binding upon the State as such; but their line should run from the southerly bend of Lake Michigan to the most northerly cape of Maumee bay. Here was a proposition made by Congress to change the line; the State accepted it upon condition, and returned this acceptance to Congress with her constitution; Congress made no objection to the conditional acceptance, but ratified the constitution, and admitted the State into the Union. Who can misunderstand the rights of the parties under such circumstances? They are too palpable to be misconceived for a moment. The State yields all her claim to the country north of a line drawn from the southerly bend of Lake Michigan to the north cape of Maumee bay, and she yields nothing more. She agrees, however, that if a due east line from the southern bend of the lake will give her the bay, then she will yield all the country north of *that* line. The line which is to be her true boundary is not fixed, and cannot be, till the survey is made; but one or the other is to be her limit, according as the bay shall be included, or excluded, by the due east line.

The fatal error which pervades all the reasoning of the friends of Michigan is, that they look upon Congress as having the right to prescribe limits to Ohio, in the act of 1802. It is no such thing. Congress did not attempt to assign to Ohio any boundary, other than the one fixed in the ordinance, except by her own consent. Congress had no such power. The equitable and legal title were both vested in Ohio, to all the country through to the British line. There is no parallel between the case of Ohio and that of a State carved out of lands acquired west of the Mississippi. In the latter case, Congress lays out a State to suit its own views of propriety; but northwest of the Ohio the title was in the States, and not in the Federal Government. Hence, all that has been said about the equitable title to this disputed region being in Ohio, and the legal title in Michigan, or in the General Government, is wholly erroneous. It is an error springing from the supposition that the legal title was in Congress at the time Ohio came into the Union; whereas, since the ordinance of 1787, the legal title had never been in the Federal Government, but had remained in the State. She agreed to relinquish it upon a contingency; or rather she agreed to part with it, unless a contingency did happen; and then she would retain it. Very well: the contingency has happened. The line you proposed does not give us the bay, and we hold on to the cape line.

It may be asked, if we have never fully conveyed our title to the disputed jurisdiction; if both the legal and equitable title are in the State, why we ask Congress for any action upon the subject? I reply, that you have embarrassed our title and encumbered our possession. Believing that the east line would give us all we wanted, you have hastily legislated upon the subject; assumed jurisdiction, and allowed others, under color of your laws, to claim possession; and we ask you to set these things right, by withdrawing from it yourselves, and removing your tenants. We ask nothing more. This we have a right to expect, for it is but the dictate of common justice.

I do not wish to be understood here as giving sanction to the opinion, that in a question of jurisdiction like this, between two Governments, there is any distinction between legal and equitable rights. That is a distinction for courts, to be made and maintained among individuals. States and nations have nothing to do with it. Who ever heard of legal and equitable rights, arising out of a treaty or compact between France and England, or between any other independent nations? If no such distinction exists there, neither can it here; for except so far as powers have been granted by the federal constitution, the States of this Union are just as independent of each other, and of the Federal Government, as they are of any nation in Europe, or as the nations of Europe are of each other.

They have a right to enter into compacts and agreements, except such as are forbidden by the constitution; and unless that instrument has provided an arbiter to settle disputes arising from such compacts, then each party must judge for itself of the true construction to be given to the agreement; and if they differ, it can only be settled by compromise, as all the serious difficulties in our Government always have been and always will be settled. As to legal and equitable rights in such cases, in a dispute between the General Government and a State, where the constitution does not allow a suit to be brought, it is idle to talk about it. No action of trespass or ejectment, no bill in equity or writ of injunction, can be instituted or obtained by one of these parties against the other. It is a question between two sovereignties, with regard to the force, construction, and bearing of a solemn agreement, executed more than thirty years ago. Although the sovereignty of the States and of the General Government is strictly a limited sovereignty, yet, so far as this affair is concerned, there is no limitation; for it is a pact made which was literally within the scope of the powers respectively guarantied to them; and in all such matters they are supreme and sovereign. As to Michigan, she was no party to the original agreement; she has no vested rights under the ordinance, for she is not known in it, and she has never been laid off as a State under the authority reserved to Congress in 1787. Consequently, she is no party to this controversy; and the attempt to thrust her forward as a party, and then let the General Government in as a judge, to decide between us, is all a trick, which is too shallow to impose upon any sensible man's understanding. The Federal Government is an interested party, just as much so as Ohio; and it has no more or better right to decide this question than Ohio. True, it is stronger; and if power gives right, then it has it; but not otherwise.

No one has been so wild yet as to contend that Congress can alter the lines of one of the States of this Union. The territorial jurisdiction of each State is as far removed from the control of Congress as the regulation of her State revenue, or the modification of her poor laws. If Congress could at pleasure dismember a State; could cut off a few counties from one, and add them to another; then our liberties would indeed be held by a frail tenure.

Apply this principle to the case under consideration. In 1787, Congress, having a complete and perfect title, both to soil and jurisdiction, divided the country into three States, securing to them certain rights, and, among others, the right to come into the Union whenever either of them should have 60,000 inhabitants, and sooner, if convenient. Authority was reserved, at the same time, to alter their boundaries, by making one or two new States next to the Canada line, if Congress should at some future period think it expedient. In 1802, Ohio asked permission to come into the Union, and Congress granted it, approved of her constitution, and received her among the other States, upon terms of equality with the old thirteen. This was done, too, without Congress having cut off any part of Ohio for a new State; consequently, she came into the Union with all the territory given her by the ordinance, unless she consented to some alteration. To what did she consent? Why, Congress proposed to her a new limit for her northern boundary, instead of the Canada line, which was to be an east line from the southern bend of Lake Michigan. To this she never did assent, and of course it never was her true line. But she did agree to take it, provided, upon actual survey, it should give her the bay; and if not, then the line should be varied to the north from the starting place, so as to give her Maumee bay. Which of these two lines was to be her boundary, no one knew at the time she came into the Union. The due east one was the temporary line until a survey should be made; and Congress supposed, as did the people of Ohio generally, that this line would give us the bay. Hence, Congress made that the southern line of Michigan, surveyed public lands up to that line, and acted, in all respects, as if it were the settled boundary of the State. Hence, too, for several years, Ohio, as a State, took no particular interest in the matter, believing that the east line would give us all we wanted; but she never, for a moment, relinquished or abandoned her claim; and if gentlemen will look into the legislative action of Ohio upon this subject, they will find that it is no new question, nor has any new ground been assumed by the State. Instead of believing that it is a Van Buren and Harrison contest, or that we are taking advantage of Michigan just at the moment when she is coming into the Union, or that it is a case of the strong against the weak, they will find that we have been trying for thirty years to get this question adjusted; that nineteen twentieths of the people of Ohio entertain the same opinions with regard to our rights; that it is a case of the strong against the weak, for it is the General Government withholding from Ohio what is her just right; and that we are pressing our claim the more earnestly now, because, after this long delay, instead of granting us our claim, you tell us that we have none, and that the country belongs to Michigan. It is high time for us to be up and doing, under such circumstances.

There were further provisions in the compact between Ohio and the Federal Government in 1802-'3, when we came into the Union. Congress can no more add to, than it can take from, the territory of a State, without its consent. At the same time that they proposed this change in our northern line, and we accepted it upon condition, they imposed upon us another condition in regard to the country lying between us and the Canada line. Congress was not prepared, at that period, to say whether there ought ever to be one or two States formed in that region, agreeably to the reservation in the ordinance of 1787; and they reserved by law, when we came into the Union, the right to attach that whole country to Ohio, if they should think proper to do so at any future period. Ohio agreed to this, and came into the Union; and, notwithstanding all we have heard here and elsewhere about the vested rights of Michigan, Congress can to-morrow dissolve her Territorial Government, reject all her propositions to become a State, and attach her to the State of Ohio. It would break no compact, infringe upon no agreement, and violate no pledge of public faith, for none has ever been given that she should have a State Government, and be admitted into the Union. All the lamentations, therefore, which have been poured forth over the multiplied wrongs of Michigan, have been supplied by fountains possessing no real existence, and which can only be successfully sought for in the imagination of the mourners.

Congress have never decided, to this day, whether there shall be one or two States in the country along the British line or not. They have admitted the three original States of the ordinance into the Union, and by agreements with each one of them their limits have been curtailed, and the power retained by Congress to still extend them to the Canada frontier, if they think proper, by adding all Michigan and Wisconsin to them. We cannot object to it; nor can the Territories do so. We desire no such arrangement; it will never be made. But, in discussing rights, it is necessary to advert to these things to show how perfectly absurd are the arguments advanced here against Ohio.

The right of Congress to form one or two States in the country north of the line running through the southerly bend of Lake Michigan was perfect and indisputable. They could make one State or two, as they pleased. They could include the whole country north of that line in the State or States so formed; or they could occupy but a part of it, and attach the remainder to the three States bordering on the Ohio river. The States are to be created in the country, and not out of it; they may take the whole, or a part, as best suits the public convenience. Until recently, no one ever supposed that this line was immoveable and impassable. Congress never so considered it; for they have run the northeast corner of Ohio thirty or forty miles beyond it; the northern boundary of Indiana is ten miles over it; and Illinois is stretched out north of it for some forty or fifty miles. The impassability of this line is an afterthought—a modern invention to warrant an encroachment upon the States already in the Union. Congress could, originally, before these States were admitted, have extended the fourth or fifth State entirely down to this due east line, because they had the whole country before them, and could form the States of such size and in such shape as they chose; or they might have stopped as far north of the line as seemed expedient, leaving the balance of the country to be attached to the other three States. But this authority no longer exists. By admitting the three States, before they exercised it, these States acquired rights of which Congress cannot deprive them. All attempts, therefore, to cut off a part of their territory, with a view of enlarging Michigan and Wisconsin, and making them in shape, size, and position, what it is supposed the Congress of 1787 intended they should be, are as unconstitutional and unwarrantable as it would be to separate a range of counties along the Ohio river, and attach them to Kentucky. The title of every State to all she brought into the Union, whether absolute or conditional, is as perfect upon her northern as upon her southern frontier, and the rights which Congress either waived or relinquished, at the time of admission, can never be resumed by a subsequent act of legislation.

I waive the examination of the equity of our claim, as it has been called, by insisting upon the understanding and expectation of all parties at the time of our admission, and the hopes encouraged by Congress that Ohio should have the bay. Neither will I attempt to prove that the one we claim is the natural boundary of our State, and that without it our public works and those of Indiana must terminate in another State, allowing them to levy tribute upon us forever, and building up a great city for them by our commerce, industry, and enterprise. I will not advert to maps then in existence, to prove that, at the time we came into the Union, according to all the most approved maps in the country, a line drawn due east from the southern bend of Lake Michigan would have given us the Maumee bay and a large scope of country farther north; so that we are not claimin as much, by many miles, as we might ask for upon well-known principles of justice and equity. I pass by all these and many other considerations that might be urged upon the attention of the House, and plant my standard upon the compact. I rely upon the ordinance; upon the agreement at the time we entered the Union, and the survey, which proves that the east line does not give us the bay. These three constitute a title that all the sophists and declaimers in the world cannot shake. The ordinance gives us all the country to Canada; by the agreement we relinquish all of it down to the Maumee bay, retaining that within our limits; and by the survey we prove that the east line does not include the bay, thereby establishing our right to the cape line. Gentlemen may cavil as they please upon this question. The advocates of Michigan may seek to obscure it by arguments and sophistry; but the strong, bold, and prominent features of the case must strike every man with conviction, who will examine the facts and the laws for himself, instead of depending upon newspaper articles for information, or listening to the statements of those who are interested or prejudiced against the State of Ohio.

For my own part, I have studied this question carefully and attentively for years; and I do most conscientiously declare, in the sight of Heaven, that if this were a controversy between two individuals, and the one occupying the relation of the Federal Government were to refuse the other an act of justice such as that now demanded by Ohio, he would subject himself to the scorn and indignation of every honest man and good citizen in the whole community. It remains to be seen whether Congress will place itself in an attitude that would be disgraceful to a private citizen. If they come to that determination, they will, of course, make up their minds beforehand to assume the responsibility, and meet all the consequences of such an unjust and unfortunate decision.

I will detain the House no longer upon this branch of the subject, but pass on to some objections that have been offered to other parts of the bill. It is a great mistake to suppose that the people of Ohio are against the admission of Michigan, or Arkansas either, into this Union. Such is not the public sentiment of our State. We are anxious to have the boundary question settled, and settled correctly, before Michigan comes in; and our State has instructed us to oppose her admission until the difficulty is removed. But beyond that we have no wish to embarrass her; nor do we entertain a single unkind feeling towards her people, however we may disapprove the conduct of some of her public officers. I am for this bill, therefore, throughout. The State ought to be admitted. Not, to be sure, because she has a vested right to come in, but because they are our fellow-citizens, occupying a large, fertile, and valuable tract of country, already containing one hundred thousand inhabitants, and daily filling up with a free, industrious, enterprising, and respectable population, who ought to enjoy all the privileges that are granted to other American citizens. This they connot do unless you give them a State government and admit them into the Union.

One of the principal objections urged against their admission at this time is, that their proceedings have been lawless and revolutionary; and that, for the example's sake, if for no other reason, we should reject their application, and force them to go back and do all their work over again. I cannot assent to this proposition.

Two ways are open to every Territory that desires to emerge from its dependent condition and become a State. It may either petition Congress for leave to form a State constitution, and, when that permission is given, proceed to form it, and present the new State constitution for our approbation; or they may meet, in the first instance, form the constitution, and offer it for our approval. There is no impropriety in either mode. It is optional with Congress, at last, to admit the State or not, as may be thought expedient. If they wish to admit her, they can do it by two acts of Congress; one to authorize the formation of a constitution, and the other to approve of it when made; or by one act, allowing the prayer of the petitioners to become a State, and approving of their constitution at the same time. This latter course is the one adopted in the present case. There is nothing disrespectful in it. Indeed, there is much to justify the Territory in its proceeding. Year after year they petitioned for leave to form a constitution, and it was refused, or their application was treated with neglect. Wearied with repeated instances of this treatment, they have formed a constitution, brought it to us, and asked us to sanction it, and admit them into the Union. We have the authority to do this; and if their constitution is republican, we ought to do it. There is no weight in this objection, and I will dismiss it without further remark.

It is said they have fixed the boundaries of the new State, making them a part of their constitution; and as this bill establishes different boundaries, there will be an incongruity in the proceedings, and all that part of our act will either be null and void, or it will be an alteration of a State constitution by law of Congress. It is supposed, too, that by their admission into the Union we sanction the constitution, and that it will become valid by relation back from the date of its existence; and the subsequent legislation of Congress will have no influence upon it. This is a subtle, lawyerlike objection, and seems to have some weight; but I will show that it is entitled to no consideration.

In the first place, they have fixed no boundaries for the State. Ohio, and most if not all of the new States, have described their boundaries expressly in their constitutions; but no such thing is attempted here. They say, "We, the people of the Territory of Michigan, do form ourselves into an independent State." It is the people living within that Territory who form themselves into a distinct political community; but the precise limits within which this new State or community is to exercise jurisdiction remains undefined, and to be settled thereafter. No boundaries being given, therefore, by the constitution, it is the province as well as the duty of Congress to prescribe them.

Will they be obligatory upon the people when they are prescribed? How can it be doubted? The bill before us requires the people of Michigan to elect delegates to a convention; who, upon meeting together, shall express and declare the assent of the people to these boundaries, and then they may be admitted into the Union, and not until then. How can there be any difficulty on the score of boundaries, if a new convention shall meet and assent to the alterations now made?

Let us look at the other objection, namely, that, by admitting the State, we sanction the constitution, and make it valid from the day of its date; and if so, our legislation will be inoperative. The first weak point in the objection is this: the law which we pass gives validity to the constitution, and yet, the moment life is infused into it, we are to suppose that it receives power to destroy the provisions of the law which called it into existence! This cannot be. Its life is derived from the law, and yet it destroys the law which imparts that life. Can the stream rise higher than its fountain? Can the creature overpower and destroy its creator, and still live and enjoy its faculties and powers unimpaired? Can an agent disobey his principal, violate his instructions, and rise above all his commands, and still bind him by his agreements, and claim to be acting under his authority? These things involve an absurdity too monstrous to admit of discussion. The constitution derives its authority, so far as the other States and Federal Government are concerned, entirely from the law of Congress. It is subject to such restrictions and modifications as the law may impose. It is now a dead letter, and must continue so forever, until it receives our sanction; and it will date its validity, as against all but its own citizens, from the time when that sanction is complete. Previous to that period, it is no more to Congress, to Ohio, or to any other State in the Union, than a piece of white paper. It is an instrument drawn up according to all the forms of law, lying upon the table, waiting for the parties to sign and seal it. Although it may be dated upon the 1st of January, yet if it be not executed till March, it takes effect only from the date of its execution.

Another objection is, that aliens have aided in making this constitution, and are allowed the right of suffrage in all elections by the provisions it contains. As to the first point, it is sufficient to say that all the new States northwest of the Ohio formed their constitutions precisely in the same way. The ordinance of 1787 does not require sixty thousand citizens of the United States to be resident within the limits of a new State, in order to authorize a constitution and admission into the Union. It requires that number of "free inhabitants;" and the alien who resides there, if he be a "free inhabitant," is entitled to vote in the election of delegates to the convention; and afterwards in deciding whether the people will accept the constitution formed by their convention. Such has been the construction and practice in all the country north of the Ohio; and as the last census shows that there are but a few hundreds of aliens in Michigan, it would be hard to set aside their constitution, because some of these may have participated in its formation. It would be unjust to do so, if we had the power; but we have no authority to do it; for if we regard the ordinance as of any validity, it allows all "free inhabitants" to vote in framing the State governments which are to be created within the sphere of its influence. We will now turn to the remaining point in this objection, and we shall see that it has no more force in it than the other.

The constitution allows all white male citizens over twenty-one years of age, having resided six months in Michigan, to vote at all elections; and every white male inhabitant residing in the State at the time of signing the constitution is allowed the same privilege. These provisions undoubtedly confer on aliens the right of suffrage; and it is contended that they are in violation of the constitution of the United States. That instrument declares that "new States may be admitted by the Congress into this Union;" that "the United States shall guaranty to every State in this Union a republican form of government;" and that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The ordinance of 1787 provides that the constitution to be formed northwest of the Ohio "shall be republican."

It is an error not very uncommon to suppose that the right of suffrage is inseparably connected with the privilege of citizenship. A slight investigation of the subject will prove that this is not so. The privileges are totally distinct. A State cannot make an American citizen who, under the constitution of the United States, shall be entitled to the rights of citizenship throughout the Union. The power belongs to the Federal Government. We pass all the naturalization laws, by which aliens are transformed into citizens. We do so under the constitution of the United States, conceding to us this authority. But, on the other hand, we have no control over the right of suffrage in the different States. That belongs exclusively to State legislation and State authority. It varies in almost all the States; and yet who ever supposed that Congress could interfere to change the rules adopted by the people in regard to it? No one, I presume. Why then attempt to control it here? Other States have adopted the same provisions. Look at the constitutions of Ohio and other new States, and you will find that they require residence only, and not citizenship, to enable a man to vote. Each State can confer this right upon all persons within her limits. It gives them no rights beyond the limits of the State. It cannot make them citizens, for that would violate the naturalization laws; or, rather, it would render them nugatory. It cannot give them a right to vote in any other State, for that would infringe upon the authority of such State to regulate its own affairs. It simply confers the right of aiding in the choice of public officers whilst the alien remains in the State; it does not make him a citizen; nor is it of the slightest advantage to him beyond the boundaries of Michigan.

But it is said aliens may elect a member to this House; or elect members of the Legislature, who will elect Senators to the other House of Congress. True, they may do so; and how are we to prevent it? The federal constitution makes no provision upon this subject, except to declare that Representatives to this House shall be elected by "people," (not citizens,) who "have the qualifications requisite for electors of the most numerous branch of the State Legislature." But the qualifications requisite to vote for the House of Representatives, or House of Commons, in each State, is left entirely to State regulation. If aliens are allowed to vote for members of this House, and the election shall be contested, it will be time enough then for us to enter at large into the question whether such votes shall be retained or rejected. For the present, it is enough for our purpose that there is nothing upon the face of this constitution that conflicts with that of the United States. Similar observations will apply to the case of a United States Senator. Who would think of contesting his seat, because a member of the State Legislature voted for him, who had himself been elected in part by aliens? No one, I apprehend, would carry his refinements upon principles of government quite that far; but if he should, the Senate will determine the contest when it is brought before them. We have nothing to do with it upon the present occasion. If this constitution does not set up a rule plainly at variance with the federal constitution, we are bound to receive it. All we can do is, to inquire if it be a republican constitution, and not inconsistent with the paramount law of the Union? The objection to this instrument seems to be that it is too republican; it extends the right of suffrage entirely too far to suit the views of certain gentlemen. It is seldom, nowadays, that we meet with an instrument of this solemn character, to which such an objection will apply. Most of them run to the opposite extreme, and instead of carrying out, practically, the great principle that man is capable of self-government, and can be safely intrusted with the management of his own affairs, their framers seem to have been solicitous to guard the people against themselves, and to curtail their powers and privileges as much as possible. I am glad to see a liberal spirit prevailing in Michigan. Their constitution is worthy of the age in which we live, and it would be well for some of the older members of the confederacy if they would follow the example which has been set by our younger sister.

One answer, however, may be given to all these objections to the constitution, which is conclusive. Suppose we refuse to admit the State until they meet and alter the constitution to please our tastes, or gratify our peculiar notions upon the subject, and we then admit them into the Union; what is there to hinder them, the next week after they are admitted, from calling a convention and changing the constitution back to the very same thing it is at present? Who can prevent it? Does not every State in the Union possess and exercise the right to alter her constitution when she pleases, and as she pleases; so that it still remains a republican form of government? All attempts at restriction upon these new States must be futile, so long as they, too, have this power to alter and amend. We cannot force them to any thing; and, if we intend to give advice, we had much better advise some of the old States to extend the right of suffrage, than to ask the people of Michigan to curtail it within her borders.

I will notice another objection I have heard urged to the bill. It declares that, upon the admission of the State, the Senators and Representative who have been elected by said State shall be entitled to take their seats here, without further delay. No persons are named; but the objectors take it for granted that Messrs. Lyon and Norvell, the two Senators, and Mr. Crary, the Representative, who are now here, are the individuals intended by this provision; and it is said that we are legislating them into their seats. If so, we are doing wrong; for the constitution of the United States guaranties to each House the right to judge of the elections and qualifications of its own members. Neither House has a right to say who shall take a seat in the other; and, consequently, no such question can be settled by a law, which is the act of both Houses, sanctioned by the President of the United States. All such laws would be palpable violations of the constitution.

If the phraseology of the bill is consulted, it will be perceived that it neither names any individuals who shall take seats in Congress, nor does it apply to persons who may be now claiming a right to take seats here, or to those who may have been heretofore elected by the people or Legislature of Michigan. It speaks of a state of things which is hereafter to exist, and not of the present time. When this bill is passed, and the convention of Michigan have approved of the boundaries given to the State, the President is to issue a proclamation declaring that she is admitted into the Union; and then the persons who shall present themselves here, claiming seats, if they have been elected, duly elected, will be entitled to take their places as members of the two Houses. But each House will judge for itself, whether they have been elected or not. No matter whether the gentlemen now here, under their present certificates of election, or under new ones, or some other individuals, sent here by the State, shall claim the seats; each House will examine their claims to membership, and receive or reject them, according to the dictates of their own understandings, without reference to this bill, or to any other that Congress could pass on the subject. Laws will have no influence upon the pretensions of any individual. They only confer a right upon the State to send members here. But the fact of the person who comes being constitutionally and properly sent, will be tried and decided by each House for itself. This is the only fair construction to be placed upon the language used in the bill. It might have been made more explicit. But when a law is even susceptible, fairly, of two constructions, that one should be given that is consistent with sound sense and with the constitution. If we adhere to this rule, there can be no possible difficulty in regard to the provision now under consideration.

There is no other objection which has been raised against this measure that I think it necessary to combat. I will say a word, in passing, with regard to Arkansas. She is equally entitled to admission with the other. Is her constitution republican? Who doubts it? Is this a time or place to discuss abstractions? If her constitution is not republican, then the constitutions of one half the States in the Union are not. Are we prepared to fan a flame that already burns with a strength and an ardor calculated to startle every patriot in the land? I am sure that a large majority of this House will frown down all attempts to produce an excitement that can do no possible good, and may be attended by evils of the most alarming character. You have given her a Territorial Government, and ingrafted institutions upon it by your own laws. She is on the southern side of the line drawn by the "compromise" of the "Missouri question." She has asked you repeatedly for leave to form a State Government, and you have neglected her, as you did Michigan. She has at length acted, and framed a constitution, which she respectfully asks you to accept and ratify, and allow her to come into the Union. How can she be refused? She has the requisite number of inhabitants. They are our friends and fellow-citizens, and are entitled to a full participation in all the benefits of the Union.

With regard to objections to their constitution, the same remarks may be made that were applied to the other State. Compel them to change it; admit them; and perhaps the next week they will call a convention and amend it, so as to restore the same features to which you raised the objection. The people of these new communities deserve kindness at our hands. They are under our protection and guardianship; and now, when they are about to set up for themselves, we ought to manifest the affection of a parent, and the solicitude of a friend, for their future welfare. By this means we shall secure their gratitude and esteem, and rivet their attachment to a Union which, in its practical operation, dispenses so large an amount of individual and general happiness to the citizens of this great republic.

I shall vote, then, against the amendment now proposed, because it is unnecessary, and its adoption may cause the bill to be lost in the Senate. I shall vote against all amendments that may be offered, for the same reasons. As the bill now stands, it gives to Ohio all she asks, and it provides amply for Michigan. There is no necessity for an alteration or amendment; and no one who is a friend to the principal features of the bill should risk its final defeat by voting to change its details. Let us adhere to it, as it came from the Senate. We have the whole subject now under our own control. We can put an end to a most distracting contest, that has agitated our country from Maine to Georgia, and from the Atlantic to the most remote settlement upon he frontier. There was a time when the most painful anxiety pervaded the whole nation; and whilst each one waited with feverish impatience for further intelligence from the disputed territory, he trembled lest the ensuing mail should bear the disastrous tidings of a civil strife in which brother had fallen by the hand of brother, and the soil of freedom had been stained by the blood of her own sons. But the storm has passed. The usual good fortune of the American people has prevailed. The land heaves in view, and a haven, with its wide-spread arms, invites us to enter. After so long an exposure to the fury of a tempest that was apparently gathering in our political horizon, let us seize the first opportunity to steer the ship into a safe harbor, far beyond the reach of that elemental war that threatened her security in the open sea. Let us pass this bill. It does justice to all. It conciliates all. Its provisions will carry peace and harmony to those who are now agitated by strife, and disquieted by tumults and disorders. By this just, humane, and beneficent policy, we shall consolidate our liberties, and make this Government what Mr. Jefferson, more than thirty years ago, declared it to be, "the strongest Government on earth; the only one where every man, at the call of the law, will fly to the standard of the law, and meet invasions of the public order as his own personal concern." With this policy on the part of the Government, and the spirit of patriotism that now animates our citizens in full vigor, united America may bid defiance to a world in arms; and should Providence continue to smile upon our country, we may confidently anticipate that the freedom, the happiness, and the prosperity, which we now enjoy, will be as perpetual as the lofty mountains that crown our continent, or the noble rivers that fertilize our plains.

When Mr. Hamer sat down,

Mr. KINNARD rose and said:

Mr. Chairman: Such is the lateness of the hour and the impatience of the committee, I shall ask their indulgence for a few moments only. The frequent allusions to the State which sent me here seem to require that I should say something on this subject.

It is true, sir, I have differed from two of my friends and colleagues with regard to the boundary bill which was laid on the table yesterday. It has seldom happened that I have differed in opinion with those gentlemen; and when I do differ with them, particularly in relation to matters that are supposed to concern Indiana, it is always with a regret as sincere on my part as I know is their devotion to the prosperity and honor of that State and of the country.

I did not conceive that any very important consequences were involved, one way or the other, in the vote by which the boundary bill was laid on the table. I thought at the time, and do still think, that if that bill had been passed, there would have been adopted the most plain and direct mode of settling the boundary question; and in our legislation we should then have avoided the necessity of blending it with the provisions and propositions upon which the State of Michigan is to be admitted into the Union.

I am not prepared to agree with those who regard this question and the ensuing presidential election as having any connexion or dependence upon each other. Whatever may be the feelings of some gentlemen, these two concerns seem to me to be very wide apart; at least, they ought to be, so far as the action of the House is concerned. I do not know of any one opposed to the admission of Michigan, after the passage of any bill to settle the boundary. Whether that requisition be indispensable, I will not now undertake to decide; but it surely presents the only ground for resisting her application. As to other considerations, connected with the presidential question, I feel incapable of being actuated by them; and the opinions which I am known to entertain, with respect to that election, forbid the idea that I could have been governed, in the vote which I gave, by any other than a desire to discharge my duty in this House. My obligation to sustain the constitutional rights of my own State, or of any other, is paramount to all other considerations; it is infinitely above any wish to promote the political elevation of any man living, or the triumph of any party in this country.

The amendment proposed by the gentleman from Ohio [Mr. Vinton] is one which may become the more necessary, since the other bill which provides for the same object has not been passed; and, in my opinion, that necessity will be greater or less, according to the course which Michigan may pursue, and the construction which that State and Congress may hereafter give to the provisions and force of the bill now pending. I shall vote for it, however, with the view of putting the whole matter beyond dispute and misconception hereafter, as far as the constitutional power of this Congress will enable us to do at this time. Hereafter, or when Michigan is admitted, Congress will have no right to insist upon any stipulation which would subvert any provision with regard to boundaries, or any thing else which may be contained in the constitution with which she may be brought into the confederacy. This is, therefore, the only time when we can with propriety or justice refuse what she demands, or restrict the rights and privileges which she claims at our hands. If we fail to do it now, we cannot be umpires in the dispute between Ohio and Michigan, after the latter has become a member of the Union, and is placed upon an equal footing with the other States. I shall vote, from the necessity of the case, and from a very natural and anxious hope that the result of our proceedings with regard to this subject will give repose to all the parties concerned, by placing them all as completely as we now can in possession of their respective rights. Nothing is further from my heart than to vote any unnecessary restriction upon the new State of Michigan. I can conceive of no reason why I should not feel for her interests and rights, as far as they are admissible, every degree of solicitude. Indiana and Michigan are the nearest neighbors; their general permanent interests are the same, and the citizens of each are certainly disposed to cultivate the most harmonious and friendly feeling; and I do therefore regret the existence of a dire necessity which neither Michigan nor Congress can escape.

We must settle this dispute by choosing the most plausible and rightful of the alternatives which are presented to us. If we do not, we shall behold increased excitement growing out of the present state of things. As fast as time progresses, the evil will grow in magnitude, and it will be still further beyond our reach to apply any satisfactory, proper, and peaceful remedy. Sir, as an American, as a man who has been reared in the West, I have always felt the strongest aversion to the restrictions which are imposed by this Government upon the new States as fast as they come into the Union. I have witnessed their effects upon the prosperity of those States. I have always been bold to declare the opinion, that not one of those States has been in fact admitted to that equal condition with the old States which this Government promised, and which Virginia undertook to guaranty when she ceded the Northwest Territory to the United States. While I am anxious to modify your policy towards the West, I know that we cannot throw off the burdens which, by a sort of compact, the new States have taken upon themselves one after another. The other States that are to succeed must advance in the same road, bearing the same restrictions upon their sovereignty, which their predecessors are still laboring under.

I must here take occasion to correct a misapprehension into which the gentleman from Ohio [Mr. Vinton] has fallen, and at the same time thank him for the compliment which he paid to Indiana, in expressing his opinion of the ability of the argument adopted by her General Assembly in reference to this subject. But in the proceedings alluded to Indiana did not, as the honorable gentleman seems to think, urge Congress to reconfirm her northern boundary. As she denies that you have constitutional authority to impair the permanence of the boundaries laid down in her constitution, so she has not called upon you to reaffirm them. She contends that her constitutional limits are not subject to the control of Congress or to the jurisdiction of the Supreme Court. That is the ground on which she has at once placed herself, with a promptitude and unanimity honorable to her public councils; and in coming to that decision, her General Assembly has enacted the proudest page of her legislative history. To adhere to it, is the high duty she has to perform, for which the fortitude and patriotism of her people will, I trust, be ample security.

The debate was continued by Messrs. STORER, HANNEGAN, WISE, HUNTSMAN, and McKEON.

The question was then taken on the amendment offered by Mr. Vinton; which was rejected.

Several amendments, offered by Messrs. Love and Robertson, were also rejected.

Mr. ADAMS said that he wanted to offer an amendment, which he had not had time to prepare, and he wished a further opportunity. His desire was to admit the State of Michigan by a bill for that purpose alone, separated from all questions of boundary. He believed the people of Michigan had a right to admission, but he wanted the question of disputed boundary to be left for future adjustment.

Mr. THOMAS suggested that it would be better to let the bill be reported, and offer it in the House.

Mr. ADAMS said he would if the screws would not be applied.

Mr. THOMAS said he could make no pledges for the House; but it could make no difference to the question.

Mr. ADAMS said it would make a difference; for in committee he could argue the propriety of the amendment, without being cut off by the previous question. He moved that the committee rise.

Mr. RUSSELL moved to amend the bill, so as to provide that none but free white male citizens should be voters.

In offering this motion, Mr. R. addressed the Chair as follows:

It is with reluctance, Mr. Chairman, that I rise at this late hour of the night to propose several amendments to the bill under consideration; the period, and the circumstances which have accompanied the bill in its progress thus far, admonish me that the time allotted to the consideration of it is brief indeed, and that no proposition to alter, change, or amend it, is to be received or sanctioned by this committee. Yet, sir, I cannot but invoke the spirit of patriotism, which even now lingers in this hall, to come forth to the rescue of our institutions from the fatal consequences which the psssage of this bill will have upon the peace and tranquillity of our citizens, and may have upon the permanency of our institutions. Sir, to avert calamities like these, is my apology for soliciting the attention of the committee, even at this unseasonable hour. It is my desire, sir, to prohibit aliens from voting at elections to be holden in the Territory or State of Michigan; and the amendments proposed will, if adopted, secure that object, and thus remove one of the objectionable features of the bill.

Sir, while I assure you the bill, in its present form, cannot receive the sanction of my vote, I desire to be understood as entertaining no hostility to the admission of Michigan as a State into the Union; but, on the contrary, I look forward with peculiar satisfaction to the period when Michigan will stand forth with her sister States of the North, and exhibit the proud pre-eminence which their domestic policy secures to them. The unauthorized position assumed by her, in violation of the spirit of our institutions; the ostentatious and dictatorial manner of her apprpach, demanding as a right that which she should solicit as matter of favor; disregarding, too, the usual formalities attending the admission of new States into the Union; the revolutionary position which she has assumed, and even now occupies; the deliberation with which she has thrown off the guardianship of the General Government, and organized a State sovereignty; and, sir, not the least objectionable, the temper with which she approaches you, as evidenced by the correspondence with the officers of this Government, accompanying this ostentatious demand of admission into the Union—all these considerations present subjects worthy of grave and solemn deliberation, and should subject her to a merited rebuke at the hands of this Government. But, sir, there are considerations of more importance urged upon you, as you advance with this investigation—considerations involving questions of constitutional power, and which should invoke the wisdom and dispassionate deliberation of this committee. Two questions arise, sir, out of this bill, for the consideration of this committee: 1st. Do the State Governments or the Legislative Councils of the Territories possess the power of conferring the right of suffrage upon aliens? and, 2d. If they have the power, is it expedient to confer the right universally and indiscriminately upon that class of our population, without subjecting them to the ordeal of our naturalization laws?

Sir, I insist that no such right exists, and that the exercise of it by the Territorial Council and Convention in Michigan was without authority, and in direct violation of the constitution of the United States.

From the documents upon your table, Mr. Chairman, it appears that an act was passed by the Legislative Council of the Territory of Michigan, in January, 1835, entitled "An act to enable the people of Michigan to form a constitution and State Government." By the first section of this act "the free inhabitants" of the said Territory were authorized to assemble and "choose delegates to a convention to form for themselves a constitution and State Government;" and the election of delegates to the convention was to be holden on the 4th day of April, 1835.

By the 2d section it was enacted "that the free white male inhabitants of the said Territory, above the age of twenty-one years, who shall reside therein three months immediately preceding Saturday the 4th day of April, 1835, be, and are hereby, authorized to choose delegates to form a constitution," &c.

The 3d section directs the time when the election for delegates shall be holden, "and that whenever any person shall present his vote or ballot at such election for delegates, if he shall be challenged, the said inspector shall cause to be read to him so much of the 2d section as relates to the qualification of voters, and shall then tender and administer to him the prescribed oath;" and, upon its being taken, the inspectors are then required to receive said ballot.

It will be perceived that all white male inhabitants, of the age of twenty-one years, who shall have resided in said Territory for the period of three months immediately preceding the day of election, were entitled to vote for delegates to the convention to form the constitution now presented to us, and which constitution, by this bill, we are to "ratify and confirm."

This act calling the convention extended the privilege of voting for delegates to the convention to aliens as well as citizens, and the constitution which this convention adopted contained a provision in the following words: "In all elections, every white male citizen above the age of twenty-one years, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the signing of this constitution shall have the right of voting as aforesaid."

Living as we do under a Government of laws enacted under the authority of, and controlled by, a written constitution of express and limited powers, and jealous as we are of the exercise of unauthorized power, it well becomes us to examine this latter provision in the constitution of Michigan, and determine whether it does not directly impinge the federal constitution. I, sir, maintain that it does; it places aliens who may not have arrived in Michigan one hour before the adoption of that constitution upon an equality with citizens in the exercise of the important right of suffrage—the most important right of citizenship—in total disregard of the provisions of the constitution of the United States, the laws of Congress, and the fact of naturalization. Sir, I intend no imputation upon the virtuous and industrious foreigners who reside in Michigan, and who have identified themselves with our own native population, and been subjected to the process of naturalization, whereby they have become entitled to the privileges of native citizens. Many of them, sir, are entitled to the highest commendation; but, sir, my objection is to that idle, vicious, destitute, and turbulent class of foreigners, whose habits and propensities render them burdensome to any country, and who have been transported hither to diminish the burden of pauperism at home, and many of whom, soon after their arrival in our country, become inmates of our poor-houses and penitentiaries. This, sir, is the class from which I would admonish you to withhold the native born citizen's birthright. But, sir, the question presented is not one of mere expediency, but of constitutional power; yet, sir, if there is any one evil more to be deprecated by our citizens than another, it is that which by our laws converts with unexampled celerity aliens into citizens. Regardless, however, of the daily admonitions of past experience, as well as the warning voice of other republics, this bill adopts and confirms the constitution of Michigan, which gives to all aliens the right of suffrage who were in the Territory when the constitution was "signed," of whatever country, character, or condition.

That at this day a change is necessary in our naturalization laws, few will deny; but that result, so desirable to all who prefer peace and tranquillity, can be effected only by an act of Congress. By the constitution of the United States, the power of naturalization is exclusively vested in Congress, and that power has been continually exercised since the adoption of the federal constitution; and by the laws of the United States, as they now exist, to entitle an alien to naturalization, a previous residence of five years is required. And the question is now presented, whether the act of the Legislative Council of Michigan, and the provision in the constitution of Michigan founded upon it, which allows aliens to vote, are not inconsistent with, repugnant to, and in violation of, the constitution of the United States. Before the adoption of the constitution, the power of naturalization was exercised by the several States; and it was the want of uniformity in the exercise of that power which caused the present provision to be incorporated into the constitution. It is therefore evident that, if the proceedings of the Michigan convention are proper, and shall be sustained, the object of the provision in the constitution of the United States is not secured. In all the States of the Union except Michigan, (if that Territory may be called a State,) five years' previous residence is required to entitle an alien to naturalization; but in Michigan no previous residence is required. She seeks to break up the uniformity of the rule prescribed by the constitution, and disregards, too, the evidence which the laws of the United States require, of "previous good character" of the person applying for naturalization, and admits all male aliens, provided they be white, and over twenty-one years of age, to exercise this most important privilege of citizens. Mr. Chairman, does not this then present, clearly and singly, the question of constitutional power? Was that Legislative Council, acting, as it must have been, under the power and authority derived from this Government, or the convention which it created, competent to confer this important right on aliens who resided in the Territory at the time the constitution was signed? If they possessed the power, have they not an equal power to confer the right of suffrage on aliens who shall emigrate there at any subsequent period? And if the Legislative Council of Michigan possessed this power, has not every State in the Union the same power? And if they have, they also possess the right of altering their constitutions already formed, and each State adopt for itself a rule of naturalization. And, in such an event, it must be obvious to all that there would be no very great degree of uniformity in the naturalization laws. Does not this, then, present to the plain practical common sense of all an unquestionable violation of the constitution of the United States?

For more than forty years Congress has been in the full exercise of this power conferred upon it by the constitution, and laws have from time to time been passed securing entire uniformity in the practice of naturalization throughout the United States; and, if you had the power of departing from this uniform rule of naturalization, (which I insist you have not,) is it not desirable that it should still be preserved?

And yet, sir, it cannot be preserved, if the right is concurrent in the States individually, and in Congress. Under the old confederation, previous to the adoption of our federal constitution, the power of naturalization was not conferred on Congress; consequently, upon the principle that powers not delegated (see 9th and 10th articles of the amendments to the constitution of the United States) were reserved to, and remained in, the State Governments. But, upon the adoption of our present constitution, (see art. 1, sec. 8,) this power was transferred to Congress, and has been exercised, and in uniform operation, hitherto. Sir, the rights of citizenship can only be acquired in one of two modes—by birth or naturalization. In one of these two modes a person must be capacitated to exercise political power in any of the States; if it is not so, the representatives of aliens, as in the case of Michigan, and, indeed, aliens themselves, may assemble in a given Territory, within the limits of the Union, and form a constitution, and demand admission as a State into the Union. If the principle of this bill is conceded, it renders that provision in the federal constitution which authorizes Congress "to establish uniform rules of naturalization" wholly inoperative. The framers of the constitution looked forward to the time when the great influx of foreigners into our country might jeopard the peace and security of our citizens, and disturb the organization of political power among the several States, through the representative principle, upon the ratio of population: to guard against such an evil, this provision was incorporated. New York is well situated with a view to the ingress of foreigners; and if she should desire to increase her political power, sanction the principle of this bill, and, in a population more liable to temptation than New York, this consideration might form an inducement to invite even an unwholesome population. But, sir, I hold that all political power must be derived from the people—the true source, in our country, of all power; and that the exercise of the right of suffrage is a political right, which none but citizens can rightfully enjoy; and that the right of determining what foreigner may exercise that power has been delegated to Congress by the people, through that provision in the federal constitution which authorizes Congress "to establish a uniform rule of naturalization." Here, then, is the source of power from which the right of suffrage is derived by such as are not native-born citizens. The right of suffrage in England is a franchise, or peculiar privilege, conferred by the King; but it is not so in the United States. It is here, since the Revolution, the birthright of our people; and though the exercise of it may be regulated by law, and subject to various qualifications, yet the qualification of citizenship must always be one. By our Revolution, that royal prerogative was wrested from the Crown and vested in the people, who co-operated in establishing our independence; and by that people the power to admit others, not native born, to a participation of it, has been conferred exclusively on Congress. The "people" of the United States are to elect their representatives. Who, sir, are the "people" to make this choice, but those "citizens" of each State "who are entitled to all privileges and immunities of citizens in the several States?" (See sec. 2 of art. 4, of Con. U. S.) Now, sir, no one, I presume, will insist that these new-born citizens of Michigan are "entitled to all privileges and immunities of citizens in the several States;" and yet they are allowed, by a proceeding which this bill sanctions, to exercise the most important political right which a citizen can enjoy. An alien, direct from Ireland, or any other foreign country, who arrived in Michigan on the 23d of June, 1835, by the provision under consideration is authorized to vote at any election to be holden there, upon an equal footing with the native citizens; and that right, by this bill, we are called upon to "ratify and confirm." Now, if this same alien had emigrated to the State of New York, or any other State in this Union, on the same day, he could not have exercised the right of suffrage there short of five years' actual residence, and of having submitted to the process of naturalization; but in Michigan, one day's residence is deemed sufficient to qualify him intelligently to exercise this important privilege. Can this, sir, be carrying out the provision in your constitution which requires a uniform rule of naturalization throughout the United States?

But, sir, were the measures which this bill seeks to establish to be submitted to the test of expediency alone, would you be willing to adopt them as the settled policy of your country? No, sir; evils too complicated and great would be the issue of such a policy, to be acceptable to the American people. Sir, if the time shall ever come when, by law, you shall authorize aliens who have not undergone the scrutinizing and sifting process of naturalization to exercise the right of suffrage, from that period the future historian, in recording the destiny of this republic, will date the period of its having been betrayed to the keeping of its enemies. Sir, a sentiment full of instruction to the American people, uttered by an American statesman and soldier, demands at this crisis a response from the people of the United States. Sir, it is this: That "the people of the United States, to preserve their liberties, must do their own voting and their own fighting." Sir, it is a sentiment worthy of its distinguished author—of an American soldier, an American statesman and patriot. Will this bill, if enacted into a law, give to that sentiment the response desired by the American people? Without hesitation, and unqualifiedly, sir, I answer no! No, sir, no! Our fathers, sir, were not unmindful of the importance of submitting our institutions to the guardianship of native American statesmen. By the provisions of the federal constitution, the President and Vice President of the United States are required to be native-born citizens; and the President is required to cause the laws of the Union to be executed. These high places of power, it was then thought, could not, with safety to the American people, be occupied by any but natural-born citizens. The rise, the progress, and the final destiny of the republics of other times were full of instruction to the framers of the constitution; and against the fatal effects of a degraded mercenary foreign influence, as well as the ambitious designs of rival foreign Powers, this provision was deemed effectual. Sir, let the spirit of that ordinance be observed and carried out in practice by the constituted authorities of your Government and your citizens, and its perpetuity will remain an enduring monument of the wisdom of its authors. Sir, this Territory of Michigan is a frontier country, skirted upon the north by the British province of Upper Canada, where thousands of the pauper population of the mother country, for her relief, have been transported; and, at the time the constitution of the State of Michigan was "signed," there were in the Territory 4,000 aliens, included in a population of at least 60,000. Sir, sanction that constitution which gives to aliens the privilege of voting upon an equal footing with your citizens, and the struggle for the emancipation of your country will have been made in vain. No prophetic vision will be required to proclaim the result of this last effort of man to govern his race by equal and just laws. Sir, if a design were entertained by a foreign Government against the liberties of the American people, could a better mode have been devised to accomplish such an object? This bill, sir, sanctions principles of vast, if not controlling, magnitude to the American people, which, in my estimation, require only to be known to be condemned. Sir, that you may have some idea of the population to which you are extending the right of suffrage, I solicit your attention and that of the committee to the following table,[*] which has been kindly furnished by a friend.

From this, sir, it appears that the British Government transported three hundred and twenty paupers, at an expense of £2,473. If it is so desirable for that Government to disencumber itself of such a number of paupers, at such an expense, is the danger apprehended there, by those who have a knowledge of the character and condition of that population, to be disregarded by the American people? We are now, sir, a virtuous, prosperous, and a happy people; our yeomanry, the physical power of the nation, and its most secure defence, are undisturbed in their peaceful avocations by these turbulent, vicious, and idle vagrants from abroad, and are not emulous to mingle with them in their devotion to the free institutions of our country; and, sir, is it not desirable to continue this tranquillity? And can you indulge a hope of accomplishing such an object, if you throw open the ballot-box to the indiscriminate approach of this alien population? I will not affirm that the aliens in Michigan compose any part of this vagrant population; but, sir, it is a well-authenticated fact, that, within the last five years, many thousands of that description have been transported direct from the poor-houses of Europe to the continent of America, at an expense of several millions of dollars to the British Government.

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[*] See end of speech.

Sir, while I will indulge no morbid apprehension for the future, yet, if you adopt the principles of this bill, I cannot but anticipate the most disastrous consequences to our country. Sir, from the appalling disclosures which each day develops, it remains for this people to determine whether it will be wise, just, or even safe, to open the floodgate of vice and corruption, of indolence and crime, which, in its demoralizing effects, may corrupt the common fountain from which flow the multiplied blessings which our country now enjoys.

This class of persons, sir, while they labor under the disqualification of alienism, are subject to few civil duties, (if they had the capacity to discharge them;) and, by international laws, as expounded by the British Government, they cannot expatriate themselves, nor can you compel them to the performance of military service; and if, in a war between this and their native country, they are found in arms against it, they are liable to condemnation, and to the punishment of death, as traitors to their native land. Sir, to show the sense of the British Government on this subject, and the right, as claimed by them, to require the return to their native country of this population, and all others, in times of peril, the King of England, on the 16th day of October, 1807, issued his proclamation, reclaiming from foreign service his native subjects, in which he declared "that the kingdom was menaced and in danger;" and he recalled from foreign service all seamen and seafaring men, who were natural-born subjects, and ordered them to withdraw themselves and return home, on pain of being proceeded against, &c. Here, sir, you have a recognition of the power and the exercise of the right of the King to call home his native-born subjects, wherever they may be, and whenever they may have departed. And now, sir, you are solicited by this bill to give to aliens, who are liable to be recalled at the pleasure of their King, the important privilege of voting for all the officers of your Government. Sir, if these aliens shall act in concert, as they hitherto have done, and I have no doubt will continue to do, will they not control the whole civil and military operations of the American people, within a very limited period? Their habits of life disqualify them from mingling with our citizens, or appreciating or enjoying the free institutions of our country; and, by conferring on them prematurely privileges to which they have not been accustomed, and the benefits of which they do not appreciate, will you not at least hazard the permanency of our Government? Sir, in the past experience of the world, has it ever been known that an intelligent people, emerging from a state of dependency, in forming for themselves and their posterity a constitution and form of government which should control in all future time their legislative action, have called to their aid foreigners, aliens, persons owing allegiance to other, and perhaps rival, nations? Sir, this new principle which we are now called upon to establish is no less dangerous than novel. At this particular crisis, it is known to all that, in some of the European States, there is a redundant population, particularly in England and Ireland, which disturb the tranquillity, and threaten with violence the sacred rights of peaceful subjects; and the relief there deemed most effectual is transportation to America. With a view to an object so desirable to them, but which is becoming so burdensome to us, thousands are transported to America each year, at the expense of the British Government, and here cast upon the charity of our people. In 1831, -'3,-'5, there were upwards of one hundred and thirty-nine thousand foreigners landed in the city of New York, many of whom were of the most ignorant, vicious, and degraded class, depending upon charity alone for their daily subsistence. And, sir, during four successive days in May last, one thousand nine hundred and seventy-three foreign emigrants arrived in the same city; and in the month of May last, there were fifteen thousand eight hundred and twenty-five arrived at the New York quarantine ground. Now, sir, carry out the provisions of this bill by similar provisions in all the State constitutions, and upon their arrival extend to these aliens indiscriminately the right of suffrage, and who is so dull of vision as not to foresee the fatal effects of such a measure upon our civil and religious institutions? Upon this subject, sir, we are not left to conjecture alone; the design has been openly avowed, as will appear from the following handbill, which was liberally circulated in the city of New York at the late charter election. It is in these words:

"Irishmen, to your posts, or you will lose America. By perseverance you may become its rulers; by negligence you will become its slaves. Your own country was lost by submitting to ambitious men. This beautiful country you may gain by being firm and united. Your religion may here have the ascendency, and here predominate. By your perseverance, this may become a Catholic country. Vote the ticket—Alexander Stewart, alderman, and Edward Flanagan for assessor—both true Irishmen."

Here, sir, you have the objects avowed—the subversion of your Government—a revolution contemplated! Mark the language of this appeal, and remember that it is made to Irishmen in the city of New York, at an election for officers of the city government, within which there are probably more than one hundred thousand foreigners. Note the expression: "Irishmen, to your posts, or you will lose America. By perseverance you may become its rulers." Yes, sir, Irishmen are invoked to come forth and rule America, and secure to the Catholic religion an ascendency. They are told: "Your religion may here have the ascendency, and here predominate." You have, then, the direct avowal that the free exercise of religious opinions is to be assailed, and your country converted into a Catholic country. Are this people prepared for this great change? Whether the Catholic religion is to be deprecated or not, is not now the question; but it is, are we prepared to abandon the free exercise of our religious opinions, (whatever they may be,) which has been secured to us by the constitution of our country? And how, sir, is this great work of subversion to be accomplished? This handbill too clearly furnishes the answer to leave in doubt the manner of its accomplishment. And is it, sir, with a view to such an object that this extraordinary privilege, at this time, is to be conferred upon this alien population? It is believed that during the present summer there will have arrived in the city of New York alone at least seventy-five thousand foreigners, vast numbers of whom are miserably poor, and destitute of the necessaries of life. Go, sir, to the alms-houses and penitentiaries, and you will there discover the relief which the policy of the British Government has effected by the transportation of their pauper population, and the burden which that policy has cast upon our country. In some instances, more than two thirds of their inmates are foreigners, and in almost all a very striking proportion. Now, sir, the principle of this bill, if carried out, will require that the right of suffrage should be extended to them all. I trust, sir, the American people are not prepared for such a measure. This alien population, upon which you are bestowing this important right, cannot, according to the well-established usages and laws of most independent nations, acquire an absolute title, either by descent or purchase, to an acre of land in the Territory of Michigan. And yet, sir, is it possible that they can be deemed safe depositaries of the liberty and lives of our citizens, and even of our country's honor?

Sir, if an apology be due to the committee for this encroachment upon their patience at this unusual hour, I trust it will be found in the novelty and importance of the question involved in this bill. Were the effects of this question to be confined to Michigan alone, I should have continued a listener, rather than a participator, in this debate; but, sir, when I reflect that every State in this Union has a deep and abiding interest in this matter, and, instead of its being a sectional question, or one limited to the narrow confines of partisan warfare, it is one involving a momentous national question, I cannot but yield my inclination to the more imperious commands of duty.

Table referred to in page 4256.

Names of parishes.	Counties.	Raised or borrowed in aid of emigration.	Number of persons who had emigrated.	To what places emigrated.
Hambledon, - -	Hants, -	£300	28	Upper Canada.
Ingoldsthorpe, - -	Norfolk, -	32	4	Do.
Great Ringstead, - -	Do. -	200	27	Do.
Pewsey, - - -	Wilts, -	130	21	Do.
Stalbridge, - -	Dorset, -	100	23	United States.
Sandcroft and Southelnam,	Suffolk, -	35	9	Prince Edward's island.
Crimbish, - -	Essex, -	80	22	Upper Canada.
Great Hallingbury, -	Do. -	50	5	Do.
Stansted, Mount Fitchet, -	Do. -	30	4	Do.
Renwick, - -	Cumberland,	25	9	Do.
Aldington, - -	Kent, -	65	9	Do.
Chawton, - -	Southampton,	100	*6	Do.
Stanton St. John, - -	Oxford, -	40	4	Do.
Gapton, - - -	Sussex, -	140	12	Do.
Wisborough Green, -	Do. -	85	9	Do.
Heene, - - -	Do. -	100	10	Do.
Shipley, - - -	Do. -	600	63	36 U. Canada, 27 U. S.
Felpham, - -	Do. -	250	42	Upper Canada.
Bepton, - - -	Do. -	111	13	Do.
9 parishes.	11 counties.	£2,473	320	

When Mr. R. had concluded, the question was taken upon his motion, and lost.

The bill was then laid aside, and the bill for the admission of Arkansas was taken up.

Mr. PHILLIPS said it was now past midnight. Exhausted in body and mind, he could not feel that it was his duty to remain and consent to the precipitate action by which it was evidently intended to force through the committee two bills of the importance of those under consideration. He therefore moved that the committee rise.

The motion having been put, there were: Ayes 17, noes 92—not a quorum.

Mr. SEVIER requested Mr. Phillips to withdraw his motion.

Mr. PHILLIPS said that if, with a knowledge of the fact that a quorum was not present, he could be persuaded to withdraw his motion, or to refrain from insisting that the chairman rise and report the fact to the House, according to its rules, for the purpose of acting upon a bill to admit a State into the Union, he should feel himself unworthy of the place he held.

The committee then rose, and reported the fact that they were without a quorum.

Mr. REED moved an adjournment; on which question, on motion of Mr. SEVIER, the yeas and nays were ordered.

Mr. ADAMS requested that the hour (near 1 o'clock) might be noted on the journal.

The SPEAKER said it was not in order.

The question on the adjournment being taken, the vote was: Ayes 24, noes 98.

There being a quorum, the House again went into committee upon the bill for the admission of Arkansas.

Mr. L. WILLIAMS moved to amend the bill, so as to reduce the judge's salary for that district to fifteen hundred dollars.

A motion was again made that the committee rise, and the vote was: Ayes 15, noes 95—not a quorum; and the members having been counted, 112 were reported present.

Mr. SEVIER said he did not wish to press the bill at that late hour of the night. When the committee had risen, he said, he should be satisfied if the House would make the bill the special order for to-morrow at 10 o'clock. Loud cries of no, no.

The committee rose, and reported that they were without a quorum.

A motion was made to adjourn; which was lost.

A call of the House was ordered at near half past one o'clock, and was proceeded in till, at about half past four, 112 members having answered, and several absentees having been sent for and brought up in custody of the Sergeant-at-arms, a motion to excuse all the absentees prevailed, and the doors were opened.

The House again went into Committee of the Whole, and resumed the consideration of the Arkansas bill.

Mr. ADAMS moved to amend the bill by introducing a clause "that nothing in this act shall be construed as an assent by Congress to the article in the constitution of the said State in relation to slavery and the emancipation of slaves."

This motion was debated at some extent by Mr. ADAMS.

Mr. CUSHING addressed the committee substantially as follows:

Mr. Chairman, the House has now continued in session for the space of eighteen or nineteen hours, without any interval of refreshment or rest. It is impossible to mistake the intentions of the ruling majority. I see clearly that the committee is resolved to sit out the debate on these important bills for the admission of Michigan and Arkansas into the Union. This, it is apparent, the majority have the power as well as the right to do. Whether it be just and reasonable, is another question. I shall not quarrel, however, with the avowed will of the House. It has done me the favor to hear me with patience on other occasions; and I cannot render it the unfit return of trespassing on its indulgence at this unseasonable hour, nor seek to defeat its purposes by speaking against time. But having been charged with sundry memorials from citizens of Massachusetts and New Hampshire, remonstrating against that clause in the constitution of Arkansas which relates to the subject of slavery, I should be recreant to the trust they have reposed in me, if I suffered the bill for the admission of Arkansas to pass without a word of protestation. The extraordinary circumstances under which I rise to address the committee impel me to brevity and succinctness; but they would afford me no justification for a passive acquiescence in the admission of Arkansas into the Union, with all the sins of its constitution upon its head.

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* What a cost! How miserable they must have been.

The constitution of Arkansas, as communicated to Congress in the memorial of the people of that Territory, praying to be admitted into the Union, contains the following clause:

"The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of the owners. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States."

This provision of the constitution of Arkansas is condemned by those whom I represent on this occasion as anti-republican, as wrong on general principles of civil polity, and as unjust to the inhabitants of the non-slaveholding States. They object to it as being, in effect, a provision to render slavery perpetual in the new State of Arkansas.

I concur in reprobating such a clause. The Legislature of Arkansas is forbidden to emancipate the slaves within its jurisdiction, even though it should be ready to indemnify fully their owners. It is forbidden to exclude slaves from being imported into the State. I cannot, by any vote of mine, ratify or sanction a constitution of government which undertakes in this way to foreclose in advance the progress of civilization and of liberty forever.

In order to do justice to the unchangeable opinions of the North, without, in any respect, invading the rights, real or supposed, of the South, my colleague, [Mr. ADAMS,] the vigilant eye of whose unsleeping mind there is nothing which escapes, has moved an amendment of the bill for the admission of Arkansas into the Union, so that, if the amendment be adopted, the bill would read as follows:

"The State of Arkansas is admitted into the Union upon the express condition that the people of the said State shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State; and nothing in this act shall be construed as an assent by Congress [to the article in the constitution of the said State relating to slavery and to the emancipation of the slaves, or] to all or to any of the propositions contained in the ordinance of the said convention of the people of Arkansas, nor to deprive the said State of Arkansas of the same grants, subject to the same restrictions, which were made to the State of Missouri."

This amendment is, according to my judgment, reasonable and proper in itself, and the very least that any member from the North can propose in vindication of the opinions and principles of himself and his constituents.

It is opposed, however, by the gentleman from Virginia, [Mr. WISE,] with his accustomed vigor and ability. He alleges considerations adverse to the motion. He interrogates the friends of the proposed amendment in regard to its force, effect, and purposes, in terms which seem to challenge response; or which, at any rate, if not distinctly and promptly met, would leave the objections which those interrogatories impliedly convey, to be taken as confessed and admitted by our significant silence.

What may be the opinions of Martin Van Buren as to this particular bill, what his conduct formerly in reference to a similar case, is a point concerning which I can have no controversy with the gentleman from Virginia.

I look only to the merits of the question before the committee. There is involved in it a principle which I regard as immeasurably more important than the opinion of any individual in this nation, however high his present situation or his possible destiny—the great principle of constitutional freedom.

The gentleman from Virginia, who, I cheerfully admit, is always frank and honorable in his course upon this floor, has just declared that, as a Southern man, he had felt it to be his duty to come forward and take a stand in behalf of an institution of the South. That institution is slavery. In like manner, I feel it to be my duty, as a Northern man, to take a counter stand in conservation of one among the dearest of the institutions of the North. This institution is liberty. It is not to assail slavery, but to defend liberty, that I speak.

It is demanded of us, Do you seek to impose restrictions on Arkansas, in violation of the compromise under which Missouri entered the Union?

I might content myself with replying that the State of Massachusetts was not a party to that compromise. She never directly or indirectly assented to it. Most of her Representatives in Congress voted against it. Those of her Representatives who, regarding that compromise in the light of an act of conciliation important to the general interests of the Union, voted for it, were disavowed and denounced at home, and were stigmatized even here, by a Southern member, as over-compliant towards the exactingness of the South.

Let me add in passing, as a kindred fact, which the train of association brings to mind, that it is this very *exigeance* of gentlemen from the South which compels those of the North to act and speak more decidedly than they might be disposed to do of their own mere volition. We come here, generally, imbued with much reluctance to debate the subject of slavery; but whenever it is touched, we hear language addressed to us which necessarily produces a revulsion of feeling, a reaction on our part: our position is changed from that of assailants to the assailed, silence wears the aspect of fear, and concession is converted into pusillanimity. No choice remains to us but to maintain temperately, yet firmly, the rights and the principles of the North.

But, continues the gentleman from Virginia, you had no power to impose restrictions upon Missouri; you have no power to impose restrictions upon Arkansas; that was the doctrine of the South then, as the debates of that day abundantly show, and it is now the doctrine of the South.

Sir, I also have looked into the debates and the legislation which preceded the admission of Missouri. Was it without restrictions? The act which authorized the people of the Territory of Missouri to form a constitution and State Government imposed various restrictions upon the powers of the future State, conditional to its admission into the Union, such as the demarcation of its limits, the regulation of public lands within it, and the free navigation of its rivers. The very clause of that statute in which the celebrated compromise consists—the provision "that in all that territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited"—this enactment is in itself an exercise of the right of restriction, both as it regards Missouri and Arkansas, or any other State which may be formed out of the colony of Louisiana. If Congress had a right to prescribe such a restriction for the region north of that parallel of latitude, it had the same right to prescribe it for the region south of that parallel; although, for reasons satisfactory to itself, it abstained from the exercise of the right in the latter case. Nay, the resolution of the 2d of March, 1821, for the admission of Missouri into the Union, which is now on the table before me, provides that she shall be admitted only "upon the fundamental condition" that a particular clause of her constitution, relating to colored persons, should never take effect; and upon her solemn assent to that condition, and not before, Missouri entered into the Union.

Did not the acts for the admission of Ohio, Indiana, and Illinois, impose conditions upon each of those States? Unquestionably. Does not the bill now before us for the admission of Michigan? Ay, and the most onerous one of the relinquishment of a territory which she claims and desires, and the acceptance of another in lieu of it, which she neither claims nor desires.

But these examples, it may be said, are not precisely in point, since they are drawn from that *sacro-sanct* soil which was dedicated to freedom by Nathan Dane's ordinance. Arkansas stands upon a peculiar footing. It is neither a part of the territory northwest of the Ohio, nor of that southwest of the Ohio. It belongs to the territory ceded to us by France. May we exact conditions of the people of that territory, when they ask admission into the Union?

That we did so in the case of Missouri, I have already shown. So did we, to a far greater extent, in that of Louisiana. Nay, does not the bill for the admission of Arkansas, as presented to us by its friends, impose restrictions? This very amendment, now under debate, if adopted, will only be one of a series of restrictions. It will not be a solitary condition, standing alone, as if in exception to analogy and to rule.

But the gentleman from Virginia would not be satisfied, nor should I, to deal with this important point as a mere question of precedent. It might suffice at the bar; it will not answer in this House. How stands the case, then, as one of general principle or constitutional right? This depends upon the terms either of the constitution of the United States, or those of the convention with France, by which we acquired Louisiana.

The constitution says:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

Here are certain cases in which the constitution imposes restrictions on the power of Congress to admit new States into the Union. In all others we may or may not act at our discretion. So far as the terms of the constitution go, we are not bound to act. Suppose the people of Cuba should ask to be admitted into the Union? Must we consent? Clearly not. And if we do consent? Then we may stipulate for all such conditions in our own favor as we see fit. We may say—You shall pay a price in money or lands, you shall emancipate your slaves, you shall deport your free blacks. The constitution confers on us the discretion to admit new States at will; it limits, in certain respects, our power to act affirmatively, and in so doing it excludes that kind of limitation in all other respects; but it does not limit, in any respect, our discretion on the negative side of a refusal to admit new States.

Our obligation to admit Arkansas into the Union is not created, then, by the terms of the constitution. It is founded on the provisions of the treaty with France of 1803, commonly called the Louisiana convention. The French republic, in ceding Louisiana to the United States, made a stipulation in behalf of the people transferred to us, to the following effect:

"Art. 3. The inhabitants of the ceded territories shall be incorporated into the Union of the United States, and admitted, as soon as it shall be possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities, of the citizens of the United States; and in the mean time they shall be maintained and protected in the enjoyment of their liberties, property, and the religions which they profess."

What might be the rights of the people of the colony of Louisiana, or any part of that colony, under the latter clause of this article, it is not very important in this connexion to inquire. Congress, it may be remarked, would have a general jurisdiction, extending even to the question of slavery, unless that be excluded by the language of the treaty. That it is not so excluded is plainly apparent, from the consideration that the liberties and property, described in the treaty, can be nothing more than the liberties and properties which the people of Louisiana held, under existing laws, as a French colony. Slave property was subject to regulation or annihilation in the colony of Louisiana, just as it was then, and is now, in the other dependencies of France.

The word "liberties," in the second clause of the article, does not refer to the rights possessed by citizens of the United States, and which the people of Louisiana might thereafter acquire under the first clause. Rights of this kind were among the restrictions imposed on Louisiana on her admission into the Union. The act for the admission of the State of Louisiana provides not only that her constitution shall be "republican, and consistent with that of the United States," but also that "it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizens the trial by jury in all criminal cases, and the privilege of the writ of *habeas corpus*." These are restrictions on the admission of a State of the right character, and precisely in point, being restrictions in favor of the extension of liberty. If Congress might impose on the people of the colony of Louisiana the trial by jury, the writ of *habeas corpus*, and the fundamental principles of civil liberty, generally, surely it might consider whether it would sanction the extension or legal perpetuation of personal servitude.

Nor did the people of the colony of Louisiana acquire any privilege, under the first clause of the article, to exclude Congress from imposing upon them restrictions in favor of liberty, on their applying for admission into the Union. It exercised such a power in various important particulars in the case of the State of Louisiana. It exercised it in the case of Missouri. It exercised it, at the same time, in regard to all the rest of the colony, except Arkansas.

"All the rights, advantages, and immunities, of citizens of the United States," refers to things of federal, not of municipal resort. So does the expression on "equal footing with the original States," applied in the statute book to the admission of new States. Otherwise, it would be sheer nonsense. There are no two States in the Union in which municipal "rights, advantages, and immunities," are precisely the same. It is, therefore, an impossibility to admit a new State to an equality, in this respect, with each and all of the original States. The citizens of each State are entitled, by the constitution, to all the privileges and immunities of citizens in the United States. But it is the enjoyment of those privileges which is equalised, the privileges themselves remaining locally diverse. A citizen of New York, who removes to Pennsylvania, does not carry the laws of New York with him, but is admitted to the benefit of those of Pennsylvania, just as if he had originally resided in the latter State.

And, if it were otherwise, it might be a subject of very grave question, whether "inhabitants of the ceded territories" meant only a certain class or color, and also which of the two, whether the exclusion of liberty or the exclusion of slavery be the more distinctive "enjoyment of all the rights, advantages, and immunities, of citizens of the United States."

Whatever view, therefore, I take of the subject, I cannot yield my assent to the doctrines of the gentleman from Virginia.

At the same time, the proposition of my colleague steers altogether clear of the compromise implied in the act for the admission of Missouri.

That compromise, so far as expressed in the act, is to this effect: Missouri shall be admitted into the Union without a prohibition of slavery, in consideration of which, slavery is prohibited in all that part of the colony of Louisiana north of thirty-six degrees thirty minutes of latitude, and not included in Missouri. This is the substance of the compromise. In spirit no more can be made of it than to say that Arkansas, lying south of the parallel of thirty-six degrees thirty-nine minutes, shall be admitted on the same conditions with Missouri. This amendment leaves untouched as well the letter as the spirit of the compromise. It does not propose to exclude Arkansas from the Union. It does not require of her to abolish slavery as the condition of her admission into the Union.

If the proposed amendment had gone this length, there would be doubt in my mind whether I could consistently give it my support. I voted, some short time since, in favor of the resolution adopted by this House, to the effect that Congress has no constitutional power to interfere with the institution of slavery within the States. This resolution was not very logically conceived, nor accurately worded. It is not true, literally, that Congress cannot "interfere, in any way," with slavery in the States. To abolish the foreign slave trade, and still more the domestic slave trade, is to act, indirectly, upon slavery; and there is one way in which Congress is expressly commanded to interfere with slavery in the States; namely, for its maintenance in the case of insurrection or invasion. I voted for the resolution in the sense which I believed it was intended to convey, as a declaration that Congress cannot exercise legislative jurisdiction, of any sort, over the institution of slavery within the States.

I desire on this, as on every other occasion, to act up to the true intent and spirit of that declaration; but, in so acting, I do not consent to the surrender of any one of the rights of opinion, of the press, or of debate, which belong to me as a man, a citizen, or a member of Congress. I do not persuade myself that liberty is an evil, or slavery a blessing. When called upon to accord my official sanction to a frame of government, which not merely permits but expressly perpetuates slavery, I should be false to all the opinions and principles of my life if I did not promptly return a peremptory and emphatic no.

This question, I repeat, is a totally different one from that presented and decided in the case of Missouri. There the question was, whether Congress would act prohibitively for the abolition of slavery in Missouri. Here the question is, whether Congress will act confirmatorily for the perpetuation of slavery in Arkansas.

Is there a gentleman in this House, not connected personally with the institution of slavery, who can suffer himself to hesitate on such a point?

If Arkansas had been silent on this subject, there might be some plausible pretext for asking us to be silent. But Arkansas having put this noxious matter in her constitution, and having brought it here for our approbation, it is the duty of the members of this House at least to say: we wash our hands of the unclean thing.

We are engaged in the creation of infant empires. What we shall now do is to act upon generations yet unborn, to the end of time. There is no appreciation of the consequences which lie enveloped, like the minute germe of the springing seed, in the work of this hour. And at such a time, shall we, with the accents of liberty perpetually on our lips; shall we, whose very institutions are established on the fundamental doctrine of human right; shall we, the representatives of the free people of the United States, be brutishly dumb, when it is sought, through us, to render slavery irredeemably perpetual in a new State soliciting admission into the Union?

I claim it as the right of my constituents, it is my own right, to withhold assent from this exceptionable clause in the constitution of Arkansas. If the question had arisen at a more propitious hour, if the committee were not predetermined to abridge debate by such means as they have the power to exert, I should have argued affirmatively the inexpediency and injustice of that clause, upon general principles of reason. Wholly abstaining to enter this pertinent field of remark, I have endeavored to confine myself to a brief and simple defence of the amendment before us, in reply to the observations of the gentleman from Virginia.

There is one thing more, to which I feel bound, in conclusion, to advert.

On the first introduction of this subject to the notice of the House, the gentleman from Virginia made a declaration, which I particularly noticed at the time, for the purpose of having the tenor of the declaration distinctly understood by the House and by the country. The gentleman gave it to be known that, if members from the North held themselves not engaged by the terms of the compromise under which Missouri entered into the Union, neither would members from the South hold themselves engaged thereby; and that, if we sought to impose restrictions affecting slave property on the one hand, they might be impelled, on the other hand, to introduce slavery into the heart of the North. I heard the suggestion with the feelings natural to one born and bred in a land of equality and freedom. I took occasion to protest, in the surprised impulse of the moment, against the idea of putting restrictions on liberty in one quarter of the Union, in retaliation of the attempt to limit the spread of slavery in another quarter. I held up to view the inconsistency and inconsequence of uttering the warmest eulogiums on freedom one day, of pouring out aspirations that the spirit of liberty might pervade the universe, and at another time threatening the North with the establishment of slavery within its borders, if a Northern member should deprecate the legal perpetuation of slavery in a proposed new State of the West. It did not fall within the rules of pertinent debate to pursue the subject at that time; and I have but a single idea to present now, in addition to what I then observed.

It is not possible for me to judge whether the gentleman from Virginia, and any of his friends or fellow-citizens at the South, deliberately and soberly cherish the extraordinary purpose which his language implied. I trust it was but a hasty thought, struck out in the ardor of debate. To introduce slavery into the heart of the North? Vain idea! Invasion, pestilence, civil war, may conspire to exterminate the eight millions of free spirits who now dwell there. This, in the long lapse of ages incalculable, is possible to happen. You may raze to the earth the thronged cities, the industrious villages, the peaceful hamlets of the North. You may lay waste its fertile valleys and verdant hill-sides. You may plant its very soil with salt, and consign it to everlasting desolation. You may transform its beautiful fields into a desert as bare as the blank face of the sands of Sahara. You may reach the realization of the infernal boast with which Attila the Hun marched his barbaric hosts into

Italy, demolishing whatever there is of civilization or prosperity in the happy dwellings of the North, and reducing their very substance to powder, so that a squadron of cavalry shall gallop over the site of populous cities, unimpeded as the wild steeds on the savannas of the West. All this you may do: it is within the bounds of physical possibility. But I solemnly assure every gentleman within the sound of my voice, I proclaim to the country and to the world, that, until all this be fully accomplished to the uttermost extremity of the letter, you cannot, you shall not, introduce slavery into the heart of the North.

Mr. HARD rose to oppose the bill and advocate the amendment; but said, as the committee had been in session twenty hours, and every member must feel seriously the fatigue of this long session, and as the bill had been taken up for consideration since twelve o'clock at night, he hoped the committee would rise, to enable those who wished to give their views of the measure an opportunity to examine more carefully the bill and other papers and documents connected with it.

The committee refusing to rise, by a large majority,

Mr. Hard proceeded. I am unable to perceive any good reason why this important measure should be thus recklessly pushed through amidst darkness, fatigue, and confusion, or why gentlemen should be summoned from their beds at this unseasonable hour, and compelled to give their votes upon the bill without time or opportunity for examination or reflection. Is it matter of no moment to us or the American people that we are about to add one more State to this Union? Does it afford no rebuke to inconsiderate haste that this bill adds one star more to the constellation of our confederated republic? Do not the safety of the constitution, the defence of civil liberty, and the cause of humanity itself, require reflection and consideration, before we pass this bill?

I have had no opportunity until since the bill was taken up in committee of examining this case. But by the little acquaintance I have obtained with the various matters connected with it, and the few hours' reflection I have bestowed upon the constitution of Arkansas, I am solemnly impressed with the momentous character of the bill, as a measure vitally connected with the peace of the Union and the harmony and political interests of the nation.

Sir, the decision we make upon this bill will carry with it the interesting result of conferring liberty or perpetuating slavery to millions of human beings yet unborn. Yes, sir, the decision we make this morning, with sleepless eyes and debilitated bodies, will proclaim through your journals to the world and posterity whether the representatives of the people of this far-famed republic, the collected guardians of civil liberty and the rights of man, have the virtue and patriotism to defend and carry out the sound maxims that form the true basis of this excellent form of government; or whether, for the sake of advancing the interest of a miserable partisan policy, they will sacrifice both the honor and liberty of their country, by entailing upon the freemen of a sovereign State the interminable institution of slavery.

Sir, we are about to adopt a legislative ordinance which, when sanctioned by the proper authorities, will pass from under our jurisdiction. We can never reclaim it; the faith of the nation will stand pledged to abide by it; and however odious and dangerous it may prove to the harmony of the Union, we can never amend or repeal it. So far as the faith and integrity, if not the power, of Congress are concerned, it will be, like the laws of the Medes and Persians, irrevocably confirmed and established. Is there any circumstance connected with the business of the House to justify for a moment such rashness in legislation? For one, I am not prepared to admit the State of Arkansas on an equal footing with other States, without an effort at least to restrict her to a form of government that shall harmonize with the principles of the constitution. I cannot consent to be driven to sustain a measure fraught with such infinite peril to the cause of personal liberty, without one effort to resist it. I had reason to expect that the committee would have exercised its courtesy in allowing us one day for deliberation. But as it has just refused to rise, and has more than intimated its determination, by frequent vociferations of question! question! to push the bill to a passage at this sitting, or at least to place it where they can stop debate by the previous question, I trust I shall be pardoned for detaining it a few moments with a statement of some of the reasons that shall dictate my vote on the bill.

In touching the subject of slavery, or the right claimed by any State to sustain it, I feel all the delicacy and embarrassment any one can feel, who labors, as I do, under a solemn conviction that they are subjects connected with the highest interest, and I may add domestic safety, of the citizens of the South and Southwestern States of this Union. And I feel the more painful embarrassment from the fresh recollection of the fearful excitement that pervaded all sections of the country, and the consternation it spread among the slaveholding community, at a period immediately preceding this present session of Congress. I would rather have remained silent than provoked anew those discordant feelings, which, at the early period of our deliberations, had marred the harmony of legislation, and which, though half smothered, still smoulders within these walls. I would have refrained from adding one word, but from the impulse of a strong sense of paramount duty which I owe to my station, my constituents, and the cause of humanity. Happy would it have been for the country if these subjects could have been deferred until the recent excitement was fully allayed; an excitement which not only threatened a revolution and a separation of the Union, but was fearfully portentous of a servile war, that must have deluged the fairest portion of this country in the blood of our brethren and kindred—a war that would have proved more relentless and implacable to the cries of defenceless innocence than the most terrific wars of the tomahawk and scalping-knife.

In submitting my brief remarks, I beg to assure gentlemen of the slaveholding States, that while I am opposed to this bill, I hold as sacred and inviolable as any one in this House the rights secured to all those States who were parties to the original compact. I would as readily engage in a crusade against the Union itself, as touch one word or obliterate one letter of that dear-bought compromise which gave them their rights over their slave property. The views which I entertain of the propriety and constitutional authority of perpetuating human slavery in the new States and Territories belonging to this Government have not the slightest application to the original States of the confederacy. The thirteen United States formed so many parties to the compact, each of which were left free to adopt or reject it, *ad libitum*. While the compact was in progress of formation, each had an undoubted right to propose articles of stipulation, which, when adopted, formed part and parcel of the whole. The instrument, when legalized, was obligatory in all its parts, or in none of them. It bound all the parties, or none; and whatever may be the disadvantages arising to either or any of the parties, there is no remedy save through the mode prescribed in the instrument itself. However deeply we may deplore the existence of slavery at the South, as the compact has left them free to sustain it or not, we are bound to acquiesce in it. Congress has no power to interfere with it without the consent of the States interested. But, sir, the reasons which impel us to acquiesce in the right to hold human beings in slavery among the original States do by no means authorize Congress to perpetuate it in the new one. There is no compact existing between the General Government and any of the new States or the Territory of Arkansas, whereby it has conceded to them the right to barter in human flesh; and I am determined, while I have the honor of a seat on this floor, never to give my vote for a measure that will sanction or permit such a gloomy practice. I shall, therefore, vote very readily and cheerfully against the passage of this bill, and I shall do so under a conscientious belief that Congress has no power to admit a State into the Union with a constitutional government which authorizes and sustains human slavery.

All will concede that Congress acts under constitutional grants, and that it can take nothing by naked implication; that where the terms of the grant are clear and determinate, the exercise of the power derived under it should conform to the letter of the grant. But where the terms are rendered vague by their generality or want of clearness, such construction should be given them as best comports with the spirit of the constitution.

Congress derives its power to admit new States from the third section of the fourth article of the constitution of the United States, which declares that "new States may be admitted by Congress into this Union." Here the terms of the grant are general, and, unconnected with the fourth section of the same article, would literally imply a power to admit a State without regard to its form of government; and yet I presume that, even under this general grant, no gentleman will contend that Congress would be authorized to admit to federal union and political association a State under the sovereignty of a despot. Should such a State apply for admission, and claim its right under this general grant, Congress would appeal to construction, and urge these grounds as a reason for denying the application, that such admission would be contrary to the spirit of the constitution, as it would destroy the unity, impair the harmony, and change the character of our National Government.

But the fourth section of the fourth article of the constitution comes in aid of that power, and renders clear and determinate what was before, from a too great generality of the terms, left doubtful. By that section it is declared that "the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them from invasion." By taking these two sections in connexion, as they clearly should be, the power of Congress over these subjects would be rendered clear, determinate, and consistent with every other grant. The two clauses, taken together, confer a power that is entire, unique, and indivisible, which is expressed thus: "Congress may admit new States into this Union, and the United States shall guaranty a republican form of government, and protect them from invasion." If Congress, then, in admitting a new State, is bound to guaranty a republican form of government, a duty is created which raises a corresponding right to inquire into the terms of the government founded by the State to be admitted, and a right to dictate the form of its fundamental code or constitution, with a view of rendering it consistent with such a form of government; and this it has a right to do, as a fundamental condition of its admission.

In pursuance of this right, and in the exercise of the power, it is the imperious duty of Congress to examine carefully the constitution of Arkansas now before it; and, before that State be admitted into the Union, Congress should be satisfied that the constitution under which it intends to organize will secure to the citizens of that State a republican form of government. This, sir, may be a startling proposition to such as are bred in the school of strict construction, and who claim for the States all power, and leave to the General Government none. It may seem to them to savor of the heresy of consolidation. But, sir, as odious as it may appear to the modern State-right school men, if it be sustained by the constitution in letter or spirit, it will lose nothing by denunciations from that quarter. I disclaim all devotion to the doctrine of consolidation, as defined by the cant scribblers of the day. While I would be proud to acknowledge myself the humble and loyal subject of federal supremacy, I would still claim to be the faithful and fearless advocate of the rights, the unabridged rights, of State sovereignty; but I can never be so far forgetful of the duty I owe to the one, nor so rashly commit myself to the interests of the other, as to surrender the power the constitution has conferred on me, as a representative of the people, of defending the cause of constitutional liberty wherever it may be assailed in the person of any citizen, let him be a resident of what State he will.

What, let me ask gentlemen, were the motive and end of our federal Union? If we may credit the recorded testimony of the patriots who formed it, as avowed in the preamble to the constitution, it was designed "to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." These, sir, were among the great and noble motives that induced the brave and the wise of former days to propose and establish a national Union. These were the principles, to secure which they incurred all the horrors of a domestic war, and pledged their lives, their fortunes, and their sacred honors; and these are the principles which we, as legislators, are required to maintain and defend, not to transgress, either directly, by open acts of violation, or indirectly, by conniving at the introduction or perpetuation of slavery within the boundaries of any of the territories of this Union.

On examining the ordinance adopted by the convention of Arkansas, I find, as a whole, it exhibits the most singular incongruity of parts. While it professes to protect liberty, it establishes the most degrading species of slavery, and dignifies it with a place in the fundamental charter of the Government. It contains many provisions worthy of a free and enlightened people, and such as would excite the admiration of the patriot and philanthropist, while it embraces others that create disgust. It commences, in the language of the convention, with high professions of attachment to the noble maxims of free government, and adopts, almost verbatim, the language of the declaration of independence. It promises to sustain the personal liberty of the citizen, and recommends as essential to the preservation of a free Government a diffusion of knowledge and intellectual improvement among the people. In the main, this ordinance asserts and adopts the elementary principles of a republican Government; and were it not for the insertion of that odious section in relation to human slavery, that discordant note in the music of its parts, it would have commanded my most cordial approbation.

By the first section of the second clause of the ninth article of this ordinance, it is declared "that the General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of the owner; they shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States; they shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of the creditors, and preventing them from becoming a public charge; they shall have power to prevent slaves from being brought to this State as merchandise, and oblige owners of slaves to treat them with humanity." These are placed alongside of those lofty and admirable provisions to which I have just alluded, and which, were it not for them, would reflect honor and credit upon the people of Arkansas. With these extraordinary and heretical principles avowed and adopted into their constitution, ought we, have we the power, to admit that Territory into the Union "on an equal footing with the other States?" Were I to vote for its admission, I should feel I had done criminal violence to the oath I had taken "to support the constitution of the United States;" I should feel guilty of having neglected an important duty I owe to my country, as one of its representatives—that of "taking care that the republic receive no harm." I cannot vote for the admission of that Territory as long as that section is in her constitution. That section entirely changes the character of the Government. The amendment of the gentleman from Massachusetts, though it disavows the assent of Congress to that article, does not remove the evil, nor would it restore to it the republican character; it would still be a Government which tolerated the grossest tyranny. I believe, therefore, such admission to be contrary to the spirit, if not the letter, of the constitution.

That instrument does not secure to the people a republican form of government. It permits the existence of the most degrading and absolute species of domestic slavery, and actually prohibits the legislative branch of the Government from passing laws to remove it. It places the slave further beyond the reach of human laws or any of its remedies than it does the property the citizen may hold in inanimate matter. While the Legislature may pass a law taking from you your personal property without your consent, on returning a fair equivalent, it is forbidden to liberate your slave, without consent, for any compensation. I am aware that an opinion prevails throughout a large portion of the Union, and is honestly entertained by a large, honorable, and intelligent class of citizens, that a Government may be republican in its form, and still permit domestic slavery; and they gravely refer us to the laws and usages of ancient republics to sustain them. The truth of this proposition depends upon the fact whether the constitution recognises slavery, or whether it be a usage which has grown up into a custom by common consent, aside from any constitutional provision or sanction. In the first instance, it becomes a fundamental ordinance, which rises above all law; in the second, it is a custom merely, or a law springing from legislative enactments; in which case it is under the control and regulation of the law-making power. In the first instance, the Government is in fault; in the other, the moral condition of the municipal regulations. The one is or ought to be under the supervision of the General Government, the other under that of the State authorities. In the first instance, the Government cannot be called republican; in the other, it may. But, sir, aside from these distinctions, it may be safely affirmed that a republican Government that recognises slavery in its fundamental code, is a gross political solecism, and it can obtain no sanction from the laws and usages of the ancient States. Politicians of the present age should be aware that a political argument, in relation to our national policy, founded upon a supposed resemblance between the tenor and spirit of our Government and those of ancient republics, affords but a feeble authority in defence of the errors of the latter. The term "republican," as applied to the science of government with us, does not borrow its import from the schools of antiquity. Its legitimate application was ascertained and established by the political philologists of the Revolution. The doctors of those days knew best how to apply terms of government to their appropriate ideas. They affixed names to a set of principles that laid the foundation of our happy and much-admired form of government. By a practical experience in the school of adversity, they became familiarly acquainted with the use of those principles, and were enabled to assign them their appropriate objects in the various departments of human society. They tell us "they hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed." These are the political axioms upon which our beautiful and noble constitution was founded. They compose the elements from which it derived its existence, its spirit, and by which it is sustained; and when it speaks of a republican form of government, it contemplates one that imbodies and supports these axioms—one that combines all, and is repugnant to none of them.

How does the constitution of Arkansas comport with this description? Does it teach that all men are created equal? That they are endowed with the inalienable right of liberty and the pursuit of happiness? Or does it hold in substance that one part of mankind are born the slaves of the other? That they are esteemed in the light of nature as property, and the unwilling victims of avarice and speculation? Let the ninth article of the constitution of Arkansas answer the question. By that article the slaves of Arkansas are sunk a grade below the brute beasts that herd in your plains, or the flocks that feed upon the hills. While it treats the slaves as the personal property of the master, it holds them less protected by the laws of God and man than your beasts of burden. Yes, sir, while the common law of the land so far regards the rights and comforts of the domestic animal that its cruel treatment will subject him who inflicts it to an indictment and punishment at law, this ordinance leaves the protection of the slave a contingent right, depending upon the uncertainty of human legislation. It imposes upon the slave the most rigid exactions to obedience of the laws of the State, while it denies him the right to participate in their enactments. In short, sir, to give a synopsis of the whole parallel which may be fairly drawn between the constitutions of the United States and of Arkansas, the former assumes, upon the principles of our declaration of rights, that all men are born equal, and have an equal voice in the formation of that Government by which they are protected and governed; while the latter denies such natural equality, and holds that some men are born slaves, and have no natural right to participate in the formation of that Government to which they are responsible. These form antagonist theses, and assert principles so ample in their influence upon the science of politics, and yet so opposite in their natures and discordant in their tendency, that they cannot but give rise to respective forms of government, which in their character, result, and moral action, will be the antipodes of each other. If this be so, is there not danger that by the admission of a State, with such a form given to its original and fundamental ordinance, we give to the confederacy such conflicting interests and principles of action as to endanger the peace, the harmony, and the safety, of the Union?

The important and impending question then properly recurs, whether the letter or the spirit of the federal constitution will authorize Congress to admit to the bosom of our national Union the State of Arkansas, while its constitution or fundamental ordinance imbodies political elements hostile to personal liberty and the inalienable rights of its citizens.

I am aware that it will be, as it already has been, contended that, by the Missouri compromise, as it has been preposterously termed, Congress has parted with its right to prohibit the introduction of slavery within any part of the territory of the Louisiana purchase south of thirty-six degrees and thirty minutes of north latitude. There are to my mind two substantial and unanswerable objections to the soundness of that proposition. In the first place, there was no compromise or compact whereby Congress surrendered any power, or yielded any jurisdiction; and, in the second place, if it had done so, it was a mere legislative act, that could not bind their successors; it would be subject to repeal at the will of any succeeding Congress. There was no compromise of surrender on the part of the General Government. In the series of acts and resolutions passed on that occasion, there were a number of reservations of power and right, and some restrictions imposed upon the constitution of Missouri; but in no part of the history of that case can you find a solitary act of relinquishment. By the act of Congress of the 6th of March, 1820, authorizing the people of the Territory of Missouri to form a constitution and State Government, there were two very important restrictions imposed upon the convention in relation to this very subject. By the proviso to the fourth section they were required to form a constitution republican in its form, and not repugnant to that of the United States; and, by the eighth section, slavery and involuntary servitude were forever prohibited in "all that part of the territory ceded by France to the United States lying north of thirty-six degrees and thirty minutes of north latitude, and not included within the limits of that State." Under this act, the people of Missouri, on the 12th of June of the same year, called a convention, and agreed upon a constitution embracing an article in principle precisely like that in the ninth article of the constitution of Arkansas, prohibiting its General Assembly from passing any law emancipating slaves without the consent of the owner. There was another clause in their constitution equally repugnant to civil liberty, which prohibited free negroes and mulattoes from settling in that State under any pretext whatever. This constitution was submitted to Congress at its next session, and gave rise to a discussion which, whether we consider its protracted length, or the thrilling interest it excited throughout the country, has never been surpassed on any other occasion in the annals of our legislation. This fearful war of words, which put in jeopardy the Union itself, resulted in the adoption of a resolution by Congress admitting that State into the Union, upon the fundamental condition that the convention should repeal the fourth clause of the twenty-sixth section of the third article in her constitution, which authorizes her Legislature to pass laws prohibiting "free negroes and mulattoes from settling in that State, under any pretext whatever," and pledge the faith of the State that no such law ever should be passed. The convention of Missouri assented to the restriction imposed by the resolution, and complied with the condition, and, by a subsequent provision of the General Government, she was admitted into the Union without the addition of one word or one syllable in relation to the subject of slavery.

Where, sir, permit me to ask, can you find, in all these, the terms of a compromise, in law or in fact? Surely there is none expressed; and it would be dangerous to admit one by implication. The first act expressly requires her to establish a republican form of government, and positively forbids the introduction of slavery into any part of the territory out of which that State was carved, north of a certain line of latitude. And the subsequent resolution of Congress of 1821 requires of the convention to expunge from the constitution another exceptionable article in relation to free negroes and mulattoes, to which requisition it implicitly complied. But, sir, where will you find an act of concession or surrendry? The clear inference to be drawn from a careful examination of the whole case is, that Congress never did relinquish her prerogative of power or jurisdiction over any part of this subject or territory. The most that can be said of the subsequent act of admission of that new State, with that exceptionable clause in her constitution, will, I apprehend, amount to this: that the General Government slept upon its rights, and suffered the constitution, by its culpable negligence, (which, be it known, received the merited rebuke of the people,) to be violated in one of its most solemn and sacred provisions.

But, sir, if there was a compact or compromise, who were the parties? Now, I suppose, in legislation and diplomacy, as in law, to every compact there must be at least two parties. The Federal Government and the sovereignty of Missouri were the parties litigant, or contracting parties. Concede, for the argument, that this transaction should be dignified with the solemnity of a compromise: what were its terms? Why, that Missouri should come into the Union, bringing with her a fundamental law perpetuating slavery, and that she should relinquish her right to prohibit free negroes and mulattoes from settling in that State. Admit this to be a compact, and the terms just recited the articles of stipulation, what connexion or relation does it bear to the constitution of Arkansas? What right or power had Missouri to make a compact or compromise which should act, prospectively, over a new, uninhabited, and then unsurveyed wilderness, wholly without its boundaries? What right had Missouri to dictate terms of admission to a State not then in existence? Surely, if such compromise had been formed, the people of Arkansas would have been at full liberty to disavow it. It could not bind them, neither could it the General Government. This is not a compromise, not even as it regards Missouri, much less in its operation upon the rights and immunities of the people of Arkansas.

Mr. BRIGGS said: After having sat here twelve hours, he left the House, exhausted, at ten o'clock last evening. At daylight this morning he was notified by one of the messengers of the House that his attendance was again desired. When he entered the hall, he learned that the committee had just taken up the bill for the admission of Arkansas into the Union. His respected colleague across the way [Mr. Adams] was upon the floor, having just offered an amendment to the bill. That amendment related to an article in the constitution of Arkansas on the subject of slavery. He knew the committee had dragged out a long, a weary night, and were worn down with their protracted labors; yet such was the magnitude of the subject, he felt himself impelled by an imperious sense of duty to submit a few remarks for the consideration of the committee. He was fully aware that this subject of slavery was one of extreme delicacy, and its discussion in any form was calculated to awaken the sensibilities of gentlemen from the Southern portion of the Union; but he hoped he could speak of it in a manner and with a temper that would not alarm the apprehensions or wound the feelings of any gentleman on this floor. Members from the South had spoken of the institution of slavery, and expressed their opinion upon it with the utmost freedom. Of this he did not complain. The opinions which they held he did not doubt were honestly entertained. They had grown up with them from their infancy, and they had their origin in the deep-rooted institutions and laws in the midst of which they were born. He, and those whom he represented, entertained opinions directly the opposite of those to which he had alluded. They entertained them with as much sincerity, and with as profound a conviction of their truth and correctness, as actuated those who differed from them. He claimed for himself, and those who agreed with him, the same right and privilege, of maintaining their views by fair arguments in this House, as he conceded to those who were opposed to them, and nothing more.

The gentleman from Virginia [Mr. Wise] who preceded him had said that the amendment offered by his colleague was substantially a revival of the Missouri question. He differed from the gentleman upon this point entirely. The proposition embraced in this amendment was altogether unlike that which raised a tempest in this Capitol, and shook this Union to its centre, in the discussion of the Missouri question. He should regret to see the ill blood and fearful agitation of that day again produced. There is nothing in the amendment calculated to lead to such a result. In that controversy there was a direct proposition to impose upon the State of Missouri, as a condition of her admission into the Union, a positive restriction against the right and power to hold slaves within the limits of her territory.

But what, sir, is proposed by the amendment of my colleague? The people of Arkansas have assembled in convention, and formed a constitution. They have come to this Congress, and presented their claim for admission into the Union as a sovereign State. They present that constitution for our perusal and approval. On looking into it, we find in its ninth article the following clause: "The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners."

My colleague proposes to amend the eighth section of the bill "for the admission of Arkansas into the Union," by inserting the following declaration: "And nothing in this act shall be construed as an assent by Congress to the article in the constitution of the said State in relation to slavery and the emancipation of slaves." It must be seen at a glance that this simple, plain declaration contains nothing of the principle which gave rise to the Missouri controversy. In that case a restriction was imposed upon Missouri, which denied to that State certain rights and powers that, under the constitution of the United States, were possessed by other States. The advocates of the State contended that Congress had no authority to enforce that restriction, or limitation, upon her sovereignty. This amendment does not, in the slightest degree, abridge, restrain, or in any manner interfere with, the prerogative or power of Arkansas as an independent State. If adopted, it will not postpone her admission into the Union a single day. It does not question the right of her citizens to any species of property recognised by the constitution or laws of the State. It imposes no restraint upon her political power and sovereignty. It simply denies that, by the act of admitting her into the Union, with this article incorporated into her constitution, Congress gives its assent to the principles of that article. Without this protestation, the act of admission would be, at least, an implied assent to this extraordinary constitutional provision. Whilst such an approbation would be of no use or benefit to that State, it would be in direct violation of the opinion of a large majority of the members of this House, and the known sentiments of the people which they represent. What good reason, then, can be urged why this amendment should not be adopted? Are gentlemen prepared to say, by their votes to reject this most reasonable proposition, that this act shall be construed as an assent by Congress to the article in the constitution of the State in relation to slavery and the emancipation of slaves? Will not such an inference be the natural and necessary result of such a vote? I ask gentlemen, whose opinions I know coincide with my own upon this subject, to consider well before they take a step which cannot be retraced.

Mr. Chairman, the word "slave," or "slavery," is nowhere to be found in the constitution of the United States. Whilst that instrument, by its various provisions, guaranties to the people of the States their rights to property acknowledged by the laws of the several States, its patriotic framers most cautiously avoided the use of terms which would admit that man could be made the property of his fellow-man.

If, in the course of events, the people of every State in this Union shall abolish slavery within their own limits, and the time shall come when there will not be a bondman in all this great and free republic, generations who shall succeed us will find no evidence in this constitution that such an institution as slavery ever had an existence.

The people of Arkansas have used less caution than did the framers of the federal constitution. Though their constitution was to be presented to a Congress, for its approval, composed of members a majority of whom, in both branches, represent constituents opposed to slavery in every form, it contains an article the design and effect of which is to make involuntary servitude perpetual within her limits. This is much to be regretted. If she had pursued a different course, the difficulties which now present themselves would have been avoided, without any prejudice to her rights or wishes. Can it be expected that the Representatives from the free States of this Union will give their assent to this exceptionable article? In justice to those whom they represent, can they do less than to express their dissent from it? It has been shown that this amendment can have no injurious effect upon the rights of the people of Arkansas. Will members on this floor, coming from States whose people are known to be hostile to the principle of this article in the constitution presented for their approval, be faithful to the trust reposed in them, if they fail to declare their disapprobation of it? I call upon gentlemen from the non-slaveholding States truly to reflect the sentiments of their constituents, and support their well-known opinions upon this subject, by voting for the amendment now before us. Can they, with propriety or consistency, approve of a principle universally condemned by their constituents? I appeal to the candor of gentlemen from the slaveholding States, and ask them if, in their opinion, it would be just or reasonable to desire us to do this? Whilst they stand by their constituents, and manfully maintain their rights, and defend their interests, shall we be recreant to our duty and fail to avow and defend the doctrine of those who honor us with their confidence? Sir, I hope not.

Mr. Chairman, to the utmost of my powers, I will, here and elsewhere, support all the rights of all the States of this Union, defined and secured by the constitution of the United States. I regard them all as equally sacred and inviolable. That instrument was the result of a compromise of conflicting opinions and conflicting interests; of mutual concessions and mutual pledges. It is my duty to stand by and maintain it in all its parts. It is the supreme law of the land, and its provisions are alike binding upon all the citizens and all the States of this confederacy. With those rights secured by that binding charter I will never interfere.

But, sir, upon this subject of slavery I cannot go the breadth of a hair beyond the obligations imposed upon me by that instrument. I never can consent, with the views which I now entertain, to give a vote, or do any other act, which shall sanction the principle, or extend the existence of human slavery. In the deep conviction of my own mind and heart, I believe it to be politically and morally wrong.

With all my soul I approve of, and believe in the truth of that great principle avowed and proclaimed to the world in the declaration of independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." I do not look upon that declaration as the mere publication of a truth, beautiful in theory only, and not capable of a practical application. On the contrary, I believe it may be, and in all free Governments should be, carried out in practice. It is based on the principles of eternal truth and justice, and will abide when all existing Governments and human institutions shall have decayed and passed away. Holding these opinions, sir, how can I give any sanction to that highly exceptionable article in the constitution of Arkansas, presented for our approval; and which, by the bill before us, we do approve of, and assent to, unless we negative that assent by some such amendment as the one under consideration? In doing so, I should violate my own sense of propriety and right, and be treacherous to the freemen who sent me here. In voting for the amendment of my colleague, I shall vindicate my own and the undivided sentiments of my constituents, without impairing any of the guarantees of the constitution, or impairing the rights of any State in this Union.

The gentleman from Virginia challenges a discussion upon the question, whether the constitution of Arkansas is republican in its character. A debate upon that question cannot be necessary to the settlement of the proposition immediately before us. At this untimely hour, and before this committee, wearied out by a continued session of more than twenty hours, I will not stop to discuss the republicanism in that article in the constitution of Arkansas which dooms a large portion of her present and future population to unconditional and interminable slavery. I will only say, sir, that my notions of republican liberty are widely different from the principles of that article.

The debate was further continued by Mr. **WISE**.

The question was then taken, at about 4 o'clock in the morning, and the amendment negatived by a vote of 98 to 32.

Mr. **ADAMS** moved that the committee rise. Lost—44 to 93.

Mr. **HARLAN** moved an amendment, as follows:

"Amend in section 5, line 3, by striking out two thousand and inserting one thousand five hundred. In 4th line, add, after the word *his*, the words *acceptance of the*, so as to make the section read as follows:

"SEC. 5. *And be it further enacted*, That there shal be allowed to the judge of the said district court the annual compensation of one thousand five hundred dollars, to commence from the date of his acceptance of the appointment, to be paid quarterly yearly at the Treasury of the United States."

Mr. **HARLAN** remarked that, in submitting this amendment for consideration, it, was not his intention to detain the committee at this early hour in the morning. He asked the indulgence of the committee, however, to make a very brief explanation of his object in offering the amendment.

The bill provides for the appointment of a district judge, at an annual salary of $2,000, to commence from the date of his appointment. The amendment proposed by him reduces the salary to $1,500 per annum, to commence from the date of the acceptance of the office.

There are now three judges in Arkansas, who perform all the business of the Territory at a salary of $1,200 each; but when it becomes a State, nearly the whole of the business will be performed by the State courts. The present judges have very exteasive circuits, and necessarily spend much of their time and money in travelling to different parts of the Territory. No complaint has been heard from them of the inadequacy of their compensation.

The compensation proposed by the bill to be given to the district judge exceeds that given to the same officer in many of the States of this Union. The district judge in each of the States of Connecticut, Rhode Island, New Jersey, Delaware, Tennessee, and Kentucky, received an annual compensation of $1,500. In Vermont and Missouri, $1,200; and in New Hampshire, Ohio, Indiana, and Illinois, $1,000. It is not pretended that the duties to be performed by the district judge of Arkansas will be more laborious or difficult than in either of the States above mentioned. Why, then, the disproportion in the compensation?

It seems to me (said Mr. H.) that there is a concerted movement by many of the officers of this Government to procure an increase of their salaries. The army of clerks in this city have moved in solid column to effect that object. The honorable gentleman from Tennessee, [Mr. C. JOHNSON,] who has heretofore been so generally uniform in his opposition to an increase of salaries, and the extravagant expenditure of the public money, has reported a bill from the Committee of Ways and Means, reducing the number of clerks from 366 to 321; and giving to the latter about eighty thousand dollars annually, more than were paid to the former number. If this be one of the modes of distributing the surplus money in the Treasury, it will not obtain my assent. The offices of the Federal Government at the present salaries are sought after with much avidity; but whenever it is ascertained that the services of persons competent to discharge the duties cannot be obtained at the present salaries, then, and not till then, will be the proper time to increase them.

I object (said Mr. H.) to that part of this bill which provides that the salary of the judge to be appointed shall commence from the date of the appointment. If the amendment which I have had the honor to propose prevails, the salary will commence from the time of the acceptance of the office, instead of from the date of the commission. The presumption is, that a citizen of Arkansas will receive the appointment. Several months will necessarily elapse from the time of signing the commission by the President and the acceptance by the appointee. During that time the judge is to be paid; and for what? He not only will not have rendered any service, but will be wholly ignorant of his appointment. If one who is now in the pay of the Government should be appointed, he will receive his salary to the date of his resignation, and be entitled by this bill to receive the salary of the new office from the date of the commission. It seems to me that the compensation of an officer ought to commence from the time he intimates his readiness to engage in the public service, by accepting an appointment, and not from the time the President decides on the appointment.

The amendment was rejected: Ayes 32, noes not counted.

The Arkansas bill was then laid aside, and the committee took up the "supplementary bill for the admission of Arkansas into the Union, and for other purposes."

Mr. **MASON**, of Virginia, moved that the committee rise and report the two Michigan and Arkansas bills to the House.

Considerable confusion arose as to whether the Michigan bill had been ordered to be reported to the House, or merely laid aside, and was still open to amendment.

Mr. **MASON** withdrew his motion, and

Mr. **UNDERWOOD** moved an amendment prescribing certain other conditions on which Michigan should be admitted. Lost.

Mr. **MASON**, of Virginia, renewed the motion that the committee rise, and report the bills to the House. [This was about 7 o'clock.]

Mr. **SLADE** moved to amend the Arkansas bill by inserting therein the following:

"After the words in the first section, 'that the State of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects,' add, 'whenever the people of said State shall, by a convention, duly elected, expunge from its present constitution so much thereof as prohibits the

General Assembly from passing laws for the emancipation of slaves without the consent of the owners; and shall also provide in and by said constitution that no negro or mulatto, born in or brought into said State after its admission into the Union, shall be held or transferred as property, or in any way subjected to slavery or involuntary servitude, unless in punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted.' "

Mr. **CAVE JOHNSON** made a question of order. The Arkansas bill having been laid aside, was not open to amendment.

After some conversation and considerable confusion,

Mr. **E. WHITTLESEY** appealed to the gentleman from Vermont to withdraw the amendment, one of the same tenor having been offered by the gentleman from Massachusetts, [Mr. Adams,] and rejected.

Mr. **SLADE** declined, and addressed the House in support of the motion.

Mr. **JENIFER** rose to reply, and proceeded to make some general remarks on the subject of the abolition movements, when he was called to order by

Mr. **BYNUM** and others, on the ground that his remarks were irrelevant.

After some words between Messrs. JENIFER and BYNUM,

The motion of Mr. Slade was rejected.

Mr. **WISE** then rose and addressed the House at length in opposition to the course of the majority, in pressing this question upon a House, sleepy, tired, and drunk. He was opposed to the motion that the committee report the bills, and said he would speak till ten o'clock, when the House would be under the necessity of dropping the subject, as it was not a special order for Friday.

Mr. **WISE** several times gave way to motions that the committee rise; which were lost, without a count.

At half past nine, Mr. Wise having yielded the floor,

Mr. **McKENNAN** suggested that, as the members were much exhausted, the committee should rise, with the understanding that the House should then adjourn till to-morrow, when the gentleman from Virginia would resume his remarks.

Mr. **WISE** said that it was true that he was in an unfit condition to continue his remarks; but it was near ten o'clock, and he had it in his power to have his will over this subject, and, so help him God, he would persevere, if he died by it.

Mr. **WISE** proceeded in his remarks till ten o'clock.

Mr. **CHAMBERS**, of Kentucky, then rose, Mr. Wise having temporarily yielded the floor, and called upon the Chair to decide whether the committee could continue to sit, it now being ten o'clock, the hour assigned by the rules for the House to meet, and the Speaker to take the chair.

Mr. **WISE** said he would ask of the Sergeant-at-arms, where now is the Speaker of the House?

"In his room," was answered by some one.

Mr. **DENNY** called for the reading of the rules of the House respecting the daily adjournment and meeting of the House.

Mr. **WHITTLESEY** suggested to the Chair, whether, in the case of bills made the order of the day for a particular portion of the day, it had not been the uniform practice, when the limited time expired, for the chairman of the committee to leave the chair, to allow the House to proceed on its other business.

Mr. **WISE** called for the reading of the resolution by which the bills now before the committee were made the special order of the day.

The resolution was read, "making the bill to establish the northern boundary of Ohio, and the bills for the admission of Michigan and Arkansas into the Union, the special order of the day for Wednesday next, and each day thereafter, Fridays and Saturdays excepted, until the same be disposed of."

Mr. **McKENNAN** called for the reading of a resolution, passed some weeks ago, (and it was read,) providing that, after a certain day, the daily sittings of the House shall commence at ten o'clock in the morning.

Mr. **WHITTLESEY** called for the reading of one of the standing rules of the House, and it was read, as follows:

"*Touching the duties of the Speaker.*—He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read."

Mr. **LOVE** said he would, with permission of the Chair, ask the question whether, if the committee refused to rise, and sat on until to-morrow, the members of this House would be considered as entitled to pay for two days' or for one day's service.

Mr. **McKENNAN** asked of the Chair, as a question of order, whether it was not the duty of the Speaker to take the chair every day on the arrival of the hour of 10 o'clock?

The **CHAIRMAN** said that he should not undertake, in his present place, (of chairman of the Committee of the Whole,) to decide any question in reference to the duty of the Speaker of the House.

Mr. **McKENNAN** then moved that the committee rise, for the purpose of deciding in the House that question.

Mr. **PICKENS** called for the reading of the 105th and 106th rules of the House; and they were read, as follows:

"The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice on any question, until every member choosing to speak shall have spoken.

"No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of at least two thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present."

Mr. **BELL** said he did not know, nor was it material to what he rose to say, what object could be accomplished by prolonging the present sitting; but it was, in his opinion, the duty of the committee to rise, in order to decide the question of order now raised. A majority of the committee might indeed oblige the committee to continue in session; but they would do it in defiance of the express rule of the House. There was no alternative in the present case, under the rules, but for the committee to rise. It would be in the power of the majority, when in the House, to direct the continuation of the discussion; to which, for his part, (Mr. B. said,) he should not object. But he begged of gentlemen to respect not the parliamentary law, but the positive written rules of the House.

Mr. **GLASCOCK** said there had, in the present case, been no adjournment from yesterday's sitting; and that the practice of courts of justice, in similar cases, would be a proper rule for this House, viz: that the day's sitting should be considered to extend to the time of adjournment. The principle contended for by gentlemen could not apply in the present case, because there had been no adjournment.

Mr. **MASON**, of Virginia, suggested, as a mode of freeing the House from its present embarrassment, that the committee should now rise, and let these bills be made the special order for to-day; so that they would come up again as a matter of course, on the House resuming its sitting after an adjournment.

The question was taken on the motion which had been made for the committee to rise, and determined in the negative.

Mr. WISE then resumed the thread of his remarks upon the bill, and having concluded,

Mr. McKENNAN obtained the floor. The members of the House were, he said, evidently all worn out by this protracted sitting; many had not slept, and others had not broken their fast. All had need of repose. We have, said he, fought the bill manfully, and done our best to stave off the decision upon it. My friend from Virginia (especially) has fought it hard and long, and has, in fact, verified the old adage, "a lean dog for a long chase." I hope, sir, the committee will rise, and report the bills, and that we shall adjourn over till to-morrow.

Mr. McK. made a motion to this effect.

The motion was carried. The committee rose, and reported the two bills, and the House then adjourned over to meet on Saturday, at the usual hour, (10 o'clock.)

SATURDAY, JUNE 11.

BREACH OF PRIVILEGE.

During the reading of the journal this morning, the House was thrown into some confusion by a disturbance between one of the regular reporters for one of the city papers, and another who usually reports in the Senate for a distant paper. The former was taken into custody *instanter* by the order of the Speaker, and the other was also subsequently ordered into custody, on the adoption of the following order, submitted by Mr. WILLIAMS, of North Carolina: "Ordered, that both persons be taken into custody, to await the order of the House in the premises."

[The following statement made by Mr GILLET of what passed under his own observation, will sufficiently explain the character of the transaction:]

Mr. GILLET said he rose to state the facts in this matter as far as he saw them. Some part of what passed, which he had observed, had not been mentioned by any member who had addressed the House. He happened to be looking toward that part of the House at the time of the occurrence. When he first saw the parties, the individual now at the desk was sitting in his chair with his pen in his hand, and the person who is now out of the House was standing in front of the desk, and appeared to be holding a conversation with him. The latter individual threw his hat at the person at the desk, and it swept along on the desk, and he thought hit him. The absent individual then sprung up the steps leading to the desk, raised his cane, and struck two or three times at the person now in the desk. This the latter person did not resist, but raised his hands over his head to fend off the blows. This is what passed under Mr. G's own observation, in which he thought he could not be mistaken in the material facts.

Having seen, as he believed, the whole of what passed at the time, he could not vote to take the person at the desk into custody as having committed any offence, on the present occasion, against the order and dignity of the House. He knew not what passed in the conversation alluded to between these individuals, and he did not know but in it the person at the desk had, in language, insulted the other. But of that we have no evidence. This House, he thought, could only act on evidence. He did not even know the names of these individuals, nor for what paper the person, now at the desk, reports, or whether he was a reporter at all. He knew nothing of him in any respect whatever. He might be the best or the worst man living. He could only act on what he saw. The person who had been taken into custody had occupied a chair at the desk during the whole session, he believed, and he knew nothing of him but what was gentlemanly and proper, except the striking on the present occasion. In voting, he should act solely on what he saw himself, unless he had additional evidence, and not on the merits of the controversy between these persons, nor on their merits as individuals, in society. This House certainly has no right to inquire into the personal difficulties of these parties. Whether the one or the other of them is most to blame, is nothing to the House, nor can they inquire into the general good or bad character of either. These matters do not particularly concern us as a legislative body. All that we have to look to and act upon is the breach of order and decorum in the House, whereby our proceedings have been disturbed. Our jurisdiction extends only to cases which disturb the business and order of the House, and not to difficulties between individuals, or matters touching their characters and conduct on other occasions. Offences not committed here must be left for the ordinary tribunals of the country. He could not vote for taking a person into custody, as an offender against the order of the House, until he had evidence that he had really committed an offence which should authorize it.

The reading of the journal was then proceeded with; and a motion made by Mr. ADAMS to amend the journal, by correcting it as to the excuse made by Mr. HAWES, at the last sitting, for his temporary absence from the House, was discussed at some length by Messrs. ADAMS, BOON, MASON of Virginia, WHITTLESEY of Ohio, WILLIAMS of North Carolina, MERCER, and SPEIGHT.

Mr. ADAMS asked for the yeas and nays; which were ordered.

Mr. MANN, of New York, moved to lay the motion on the table.

Mr. SPEIGHT suggested to the gentleman from New York to withdraw that motion.

Mr. MERCER raised the point of order, if such a motion could be made.

Mr. MANN accordingly withdrew the motion, and

Mr. SPEIGHT moved the previous question; which was seconded by the House, and the main question ordered.

Several members were excused from voting, on the ground that they were not in the House when the occurrence referred to in the entry on the journal took place.

The question was then taken, and decided in the negative: Yeas 32, nays 133.

An amendment was then made to the journal by general consent, on motion of Mr. MERCER.

Mr. ADAMS rose and called the attention of the House to the circumstance of the two individuals then in the custody of the Sergeant-at-arms, for creating a disturbance in the precincts of the hall.

Mr. JUDSON then, on leave, offered the following resolution:

Resolved, That a select committee be appointed, to consist of ——— members, whose duty it shall be to inquire into an assault committed within the hall of the House of Representatives this morning, while the House were in session, for and on account of which two persons are now in custody of the Sergeant-at-arms; and said committee are to make their report to this House, and said committee be instructed to administer oaths, and to cause the attendance of witnesses.

Mr. BRIGGS moved to insert the word "forthwith;" which Mr. JUDSON accepted as a modification.

After some conversation between Messrs. MANN of New York, ADAMS, and BELL, Mr. BELL moved the following two resolutions as a substitute:

Resolved, That the two reporters, Henry G. Wheeler and Robert Codd, who are now in the custody of the Sergeant-at-arms, upon a charge of disorderly conduct in the presence of the House, be delivered over to the civil authorities, to be dealt with according to law.

Resolved, That in adopting the preceding resolution, the House are not influenced by an opinion of any deficiency of authority in the House to punish for disorderly conduct in their presence.

Mr. BELL explained his object to be to get rid of the difficulty for the present, without waiving the authority of the House in such cases. Out of one hundred lawyers in the House, no two would probably agree as to the mode of proceedings in this case, or as to the degree and mode of punishment for the breach of privilege involved in it. At this stage of the session, when the time of the House was so precious, he was anxious to get rid of the subject. At a future time, he hoped that some law would be enacted defining the privileges of the House, and the mode of punishing breaches of privilege.

Mr. VANDERPOEL said he had, of course, had but a moment's time to reflect upon the subject now before the House, but he must confess that the proposition of the honorable gentleman from Tennessee, to turn these transgressors over to the civil authority, struck him favorably; and if now called upon to vote, he would vote for it. And he would do so the more readily, because the second resolution guarded amply against any disclaimer of power on our part to punish for contempts. The amendment admitted that we had the power to punish for a breach of the privilege of this House. But because we had power to do a thing, it did not follow that it was always wise to do it. He thought we would much better subserve the interest of our constituents by attending to the various public bills before us, instead of entering upon the trial of these men. We were now in the seventh month of our session, and many if not most of the important bills reported to the House were not finally acted upon. There was the fortification bill, the land bill, and the bill to regulate the deposites in the local banks, all of which were yet undisposed of; and he thought the interest of the nation would be better promoted by attention to those important subjects, than by trying these pugilistic gentlemen. From the time that had already been consumed this morning upon the question whether both men should be arrested, and from the knowledge we all had of the disposition here to talk, we could fairly conclude that this subject, if a select committee were appointed, would occupy at least a week of the precious time of this House. The committee would report the evidence, the views of gentlemen would conflict as to the culpability of the one or the other, and upon the question of guilt there could not fail to be a protracted debate; but when we came to the question what punishment we would inflict, there would be still greater diversity of opinion, and much greater disposition to debate. In view of this inevitable consumption of the precious time of this House, if a select committee were appointed, he would vote for the amendment of the gentleman from Tennessee.

After some further remarks from Messrs. BELL, LANE, JUDSON, MANN of New York, MILLER, SPEIGHT, C. ALLAN, and CRAIG,

Mr. BELL withdrew his resolution, and

Mr. ADAMS inquired by what law or authority it was that these individuals were now in custody?

Mr. BOULDIN rose to ask what the gentleman from Massachusetts [Mr. Adams] meant? Did he suppose that the privileges of the people of this country were so great that their own servants and Representatives could not go on with their business, but that their own members, or even reporters, might go on fighting in their presence, and they have no right to take the offenders into custody? Did he mean that individuals not members might raise quarrels out of doors, and one or more of them run into this hall for protection, and we not have power to take them—lay hold on them? This he said was imprisonment, not power to pitch them out of doors; not the right given to take them, and send them to a justice of the peace.

If these were the privileges of the people, they exercised the privilege of sending us to this House little to their credit or advantage to themselves, and less to ours.

He would have voted for the proposition of the gentleman from Tennessee, [Mr. Bell,] and was sorry it was withdrawn. He wished to get clear of these disturbers of the peace as quick as possible.

He had no doubt the law would settle the thing very well. We had something else to do than to try such offenders. He had nothing against either of them. They had disturbed us a little, and he would be glad to have no more trouble with them, or about them.

Mr. HIESTER then moved the previous question; which was seconded: Ayes 94, noes not counted; and the main question being ordered, was put, and agreed to without a count.

So the resolution was agreed to, and the committee was ordered to consist of five members.

The following gentlemen composed the select committee: Mr. Judson of Connecticut, Mr. Mason of Virginia, Mr. Bell of Tennessee, Mr. Mann of New York, and Mr. Williams of North Carolina.

PENSION BILLS.

The hour from 11 to 12 of this day having been specially set apart for the consideration of "pension bills," and that hour having elapsed, from the length of time occupied in reading and amending the journal,

Mr. WARDWELL moved to set apart the residue of this day for that purpose; which was agreed to.

The House then went into Committee of the Whole, (Mr. Craig in the chair,) and first took up the following bill:

"A bill extending the provisions of the act entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution.'"

Mr. C. ALLAN moved to amend the bill by extending its provisions to all those who were engaged in the Indian wars from 1781 to 1795.

After some remarks from Messrs. C. ALLAN, WARDWELL, McKENNAN, and McKAY, the amendment was agreed to.

Mr. MANN, of New York, moved to amend the bill by striking out "three," and inserting "six" months, as the term of service entitling an individual to a pension under the provisions of the bill.

The amendment was discussed by Messrs. MANN of New York, D. J. PEARCE, LANE, and WARDWELL.

Mr. BOON said that he would detain the committee but a very short time, as his only object in rising was to reply very briefly to the objections which had been urged against the measure proposed by the gentleman from New York, [Mr. Mann,] for whose opinions, Mr. B. said, he had a very high regard. The gentleman from New York had stated, that to extend the pension system to the three months' men, and to those who were engaged in the Indian wars, would be a drain upon the Treasury of more than four millions of dollars. Sir, said Mr. B., suppose this estimate to be correctly stated, for what better or nobler purpose could such an amount of the public treasure be expended? When I first came into Congress, some ten years since, the old Indian fighters who then stood at the bar of this House, and petitioned Congress to compensate them for services rendered in defence of their country, and for property taken and destroyed by the enemy, were then told that they might go home to live in penury and want the remaining remnant of their days, as there was a large national debt to pay, and an empty Treasury to meet it.

Now, sir, we are told that there is in the Treasury of the United States some forty or fifty millions of dollars, over and above the wants of the Government; and yet, justice is withheld by the Government from those who have fought the battles of their country, and who, from old age and other causes, are unable to make a comfortable support for themselves and their families. Many of them have gone down to their graves, and left a helpless widow, with a family of small children, thrown upon the cold charity of the world for support. Who, I ask, Mr. Chairman, braved the bloody tomahawk and scalping-knife of a savage foe, and gave rise to the settlement and value of your vast public domain, which now yields annually to your Treasury millions and millions of dollars? Sir, it was the citizen soldiers of the West. Sir, they are the sons and grandsons of the revolutionary heroes of the old thirteen States of the Union. And now that your Treasury is full to overflowing, shall a just reward for their patriotic services be longer withheld? I trust not, Mr. Chairman. Shall we now, for the purpose of creating a large surplus revenue, to be distributed among the several States of the Union, thereby creating a host of stipendiary pensioners upon the Treasury, who never performed one hour's service to their country, turn a deaf ear to the petitions and well-founded and just claims of these meritorious men, who, by their sacrifices and deeds of noble daring, have contributed so much to our present prosperous and happy condition as a nation?

I, Mr. Chairman, would most cheerfully give my vote to appropriate the last dollar of the surplus revenue in the Treasury, in compensating those who have performed service in the defence of their country. I appeal to gentlemen of the Northern and Southern States of this Union, where so many millions of dollars of the public treasure have been expended for public services rendered, and for the defence of the Atlantic seaboard, to do justice to the Western States. I mean the old soldiers who have been mainly instrumental in giving settlement and value to your vast public domain. Grant the poor pittance asked for by the friends of this amendment to your pension laws, and, sir, you will not only have performed an act of sheer justice to a most meritorious class of our fellow-citizens, but, sir, you and your Government will have the lasting gratitude of the surviving soldier, and of the surviving widows and children and grandchildren of those patriot soldiers who have been gathered home to their fathers. Sir, let it not be said that this Government has subjected itself to the charge of injustice or ingratitude towards its faithful sustainers.

The amendment was then disagreed to.

Mr. UNDERWOOD moved so to amend the bill as to provide pensions for the widows of those engaged in the Indian wars; which, after some remarks from that gentleman, was agreed to.

Mr. WARDWELL moved to include "minute men;" which, after some debate between Messrs. WARDWELL, RENCHER, ANTHONY, VANDERPOEL, and HAMER, was disagreed to.

After some further proceedings and debate, the bill was finished and laid aside.

The committee also considered about one hundred bills for the relief of individual pensioners; all which were reported; and those to which no exception was taken were, in mass, ordered to be engrossed and read a third time on Monday.

LESLIE COMBES.

The House then proceeded to the consideration of the Senate bill for the relief of Leslie Combes; and, after some remarks from Messrs. PARKER, C. ALLAN, UNDERWOOD, and HAWES, the bill was ordered to a third reading.

JEAN BAPTISTE JANIS.

The bill for the relief of Jean Baptiste Janis was then taken up.

Mr. WARDWELL moved to strike out the enacting clause.

Mr. REYNOLDS rose and said:

Mr. Speaker: I do not intend at this late period of the session, and at this time on Saturday evening, to trouble the House with a long speech. I would be pleased if the Clerk will read the commission which Colonel Clark gave to the claimant, appointing him an ensign in a company commanded by Captain Francais Charleville, which commission is now in possession of the House. I would be also well pleased if the Clerk would read the report or statement of the claimant.

[These documents were not read, as their existence and validity were not doubted.]

Mr. R. further said that it was a matter of history, recorded and known to the country, that Colonel George Rogers Clark, in the year 1778, marched a regiment to the Illinois country, and on that consideration his corps was called "the Illinois regiment;" that on the 4th July, at night, 1778, he entered the town of Kaskaskia with his troops, and captured that place. At the same time there were other settlements and towns in the possession of the enemy near and in the same region of country which at that time was called "the Illinois country."

After taking possession of another village, (Copokia,) which is situated, as Kaskaskia is, near the Mississippi river, Colonel Clark made preparation to capture also from the enemy the military post Vincennes. This expedition was performed in the year 1779. This became necessary, or the conquests already made would not secure the citizens of Kentucky and elsewhere from the inroads made into their country by the Indians, who were inflamed against the Americans by the English. Vincennes was a post which was defended by the British soldiers to the amount Mr. R. could not then recollect; but it was a fort of some strength; and in which, as well as I recollect, Governor Hamilton commanded. In order to be able to succeed in the capture of this post, and thereby to insure peace and quiet to the citizens, Colonel Clark was compelled to enlist into the regiment under his command two companies more. One company was commanded by Captain Charleville, whom I mentioned before, and another commanded by Captain McCarty; one raised in Kaskaskia, and the other in Copokia, and both organized and composed a part of "the Illinois regiment," under the command of Colonel Clark.

The claimant of this pension, Jean B. Janis, was, as I before stated, appointed an ensign in the company commanded by Captain Charleville.

These are all historic facts, which are on this occasion not questioned or doubted, and in fact are admitted.

It is also a fact that Colonel Clark commenced this campaign from Kaskaskia to Vincennes in the winter or spring of the year 1779, at a time that it was extremely difficult and almost impossible, from the inclemency of the weather and the high stage of the water between those two points, to march his army from one post to the other. The distance is one hundred and sixty or seventy miles. The country at the time the march was performed was greatly inundated with water, and the rivers (the Wabash and others) were so high that the waters were from bluff to bluff in them, and in some instances two or three miles wide. The snow and the ice had not entirely left the ground; and add to this, that there were no baggage wagons, and, in fact, not much food, to attend the army. Yet, with all these privations, hardships, and difficulties, these brave soldiers, under the command not only of a brave but also a talented man, accomplished their march to Vincennes, and took that post from the enemy without the loss of a man.

In this campaign the claimant, Mr. Janis, performed service as an ensign in the company commanded by Captain Charleville. He went, and, like others, acted well his part in that campaign. There is not on record the history of a campaign that exhibited more talents in the plan, and required more interpidity and courage in the execution, than the campaign planned and executed by Colonel Clark in the capture of the British posts on the Mississippi and in the Illinois country.

At that day there were very few people settled west of the mountains, and these few were infested and eternally annoyed by the Indians, excited to murder and bloodshed by the British enemy. It became necessary, therefore, in order to secure the peace and quiet of these settlements, to capture these British posts, by which the Indians were supplied with the munitions of war, and to remove back the Indians and the means of their support to such distance as they would not be able to disturb the white people. This was accomplished. More was accomplished, also; the country was taken and retained from the enemy, which now composes the best and the fairest portion of the Union.

In the treaty of 1783 with Great Britain, the capture and occupation of this country by the American arms is adverted to, and, no doubt, was taken into consideration at the time of making the treaty. This is the country that was captured from the enemy by the energy and bravery of Janis, and others, that now pours into the Treasury of the United States so much money from the sales of the public lands. There are millions received from the sales of the very same lands which the "Illinois regiment," in which Janis acted as an officer, took from the enemy at a time that "tried men's souls." Yet the honorable chairman says, if a pension be given to Mr. Janis, it will form an exception, and violate the general rule and law on this subject. Be it so. I should consider it an honor to violate a rule that would deprive a man of a pension, made under circumstances such as these. The gentleman [Mr. Wardwell] seems to represent this case as a person with gold weights, weighing out money by the cent, to a revolutionary soldier who performed so brave and noble a part in that struggle as did Mr. Janis. I will call to the recollection of the gentleman the privations and hardships on the march to capture Vincennes. Did Janis, when he was wading in the snow, ice, and water, to his neck, think of weighing out his energies and bravery with gold weights? Did he at that time think he was violating any rule, (and "his case would form an exception,") when he was fighting before the post of Vincennes? Nice conscientious scruples, and gold weights, were at that time not considered by Janis, and now should not be by us. A liberal and honorable acknowledgment of such service, which was glorious and beneficial to the whole Union, ought now to be made to him by us. We are now reaping the fruits of his and their labor; and I am, as one individual, in legislation or otherwise, proud to acknowledge it. We are now at our ease, happy in every respect, reclining in the shade of "the vine and fig tree," which was spoken into existence by the energies and talents of the revolutionary soldier. We are their happy children, and I hope we will have the gratitude to sustain, in reclining life, the few of our revolutionary fathers that remain among us. They cannot live among us only for a few years. The gentleman for whose benefit this bill is brought before Congress is far advanced in years, and cannot, by the course of nature, live long. I am informed he is about eighty years old. This bill, which only provides ten dollars per month during his natural life, will not beggar the Treasury, and will be an honorable acknowledgment of his revolutionary services. It will be a proud boon to his numerous and respectable descendants.

The gentleman [Mr. W.] says the case of Janis, if it becomes a law, will violate the existing law on the subject of revolutionary pensions. This is true, I presume. If the claim of Janis was embraced in the principles of the law now in existence, there would be no necessity for another act for his benefit. This claim would be allowed and paid under the provisions of the present law. The reason the old law does not embrace his case, is the foundation of the present application to Congress. The gentleman further says that, from all the information he can obtain, Mr. Janis served only thirty-six days; and as the law requires a service in all of six months in the Revolution to entitle a soldier to a pension, that, on that consideration, he is not entitled to a pension. Even to go with the gentleman into this rigid and strict rule, requiring proof of six months' service, it can be fairly presumed that, in the absence of evidence, Mr. Janis was six months in service. The gentleman would not require six months of continued fighting in a serugs* battle, nor would he require six months' wading in snow, ice, and water, to entitle the soldier to a pension. The service which was so honorably performed by Colonel Clark in capturing these posts would require six months or more for its execution; and the fair presumption is, that Mr. Janis was employed in the service under Colonel Clark for six months or more during his conquest of the Illinois country.

The evidence spoken of by the gentleman [Mr. W.] cannot be correct. It would require more than thirty-six days for the army to march, at that season of the year, from Kaskaskia to Vincennes, and return. There were no bridges or ferries at the time, and the route was almost impassable from the snow, ice, and high waters in the rivers and other streams. In this calculation there would be no time left for preparation and organization for the campaign at Kaskaskia before they started, and no time left for the capture of the post, (Vincennes,) and for its occupation by the American forces. Every reasonable man will know it will require more than thirty-six days for the performance of this expedition. I do not want for Janis any thing that is not right and proper—he, himself, would not receive from Government or any individual any thing that was not strictly honorable and correct. He is a gentleman whose character for honesty and integrity stands above suspicion.

I read a printed statement of his services, which lies on the Clerk's table; and I know not now if it were his own statements or a report of a committee—I would believe one as much as the other; I will vouch for his statements to be correct. I have known him and his character from my youth, and I know it to be good; and on this occasion I consider it my duty to state it, although he is not my constituent, but a resident of the State of Missouri.

It may be, Mr. Speaker, from the fact that I have been raised in the country where this service was performed, and on that consideration have heard so much about it, of its perils and hardships, that I have become so well convinced of the justice of the claim of Mr. Janis. It seems to me to be a claim of such propriety and justice that the House cannot hesitate to allow it. The gentleman need not fear that this case will open a door for similar cases. There are none in our country, as I know, similar to that of Mr. Janis; but if there were, it would be just and proper to allow them. I hope the House fully comprehend the merits and justice of this case, and knowing it, will allow it.

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* A battle in which all on both sides are killed.

After some remarks from Messrs. **WARDWELL**, **STORER**, and **ASHLEY**, the bill was ordered to a third reading.

ELLEN ABEIN SCHMUCK.

The bill granting a pension to Ellen Abein Schmuck was then taken up; and, after some debate by Messrs. **PARKER**, **EVANS**, **WHITTLESEY** of Ohio, **TAYLOR**, and **HAWES**, the latter gentleman asked for the yeas and nays on the engrossment of the bill, but the House refused to order them, and the bill was passed to a third reading, by a vote of 75 to 47.

BREACH OF PRIVILEGE.

Mr. **JUDSON**, from the select committee on the subject of the disturbance which occurred in the House this morning, made a report, in part, concluding with the following resolution:

Resolved, That Robert Codd, having done no act in violation of the privilege or order of the House, be forthwith discharged from custody.

The motion was agreed to.

It was suggested that, in order to justify the detention of the other person, the Speaker should issue a warrant.

The **SPEAKER** said he considered it necessary to have the authority of the House for issuing a warrant.

Mr. **MASON**, of Virginia, moved that the Speaker be authorized to issue his warrant to the Sergeant-at-arms for the arrest and detention of Henry G. Wheeler, for a contempt and breach of privilege of the House, by committing an assault on the body of Robert Codd, in the presence of the House; which motion was agreed to.

The House then adjourned.

Monday, June 13.

The pension bills ordered to be engrossed for a third reading on Saturday, were severally read a third time, and passed.

MICHIGAN AND ARKANSAS.

In execution of the special order of Monday last, the House then proceeded to the consideration of the following bills:

"An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

"An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

Both these bills had been reported from the Committee of the Whole, without amendment.

The House proceeded first to the consideration of the Michigan bill.

Mr. **VINTON** renewed the following amendment, offered by him in Committee of the Whole:

"And provided also, and it is hereby further expressly declared, that if the convention provided for in the third section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall nevertheless be, and forever remain, fixed and established between them and Michigan, as the same are in this act above specified and described."

Mr. V. asked for the yeas and nays, which were ordered; and the question being taken, was decided as follows: Yeas 81, nays 126.

Yeas—Messrs. Heman Allen, Ashley, Bailey, Bond, Boon, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hardin, Harlan, Harper, Hazeltine, Hiester, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Benjamin Jones, Kinnard, Lane, Lawrence, Lay, Luke Lea, Lincoln, Love, Lucas, Samson Mason, Maury, McCarty, McKennan, McLene, Mercer, Milligan, Morris, James A. Pearce, Pettigrew, Phillips, Pinckney, Reed, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, Elisha Whittlesey, Lewis Williams—81.

Nays—Messrs. John Q. Adams, Chilton Allan, Anthony, Ash, Barton, Bean, Beaumont, Bockee, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Kilgore, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Potts, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams—126.

So the amendment was negatived.

Mr. **ADAMS** moved to amend the bill by striking out the 1st, 2d, and 3d sections, and inserting as a substitute certain provisions reserving to Michigan the rights and limits secured to the Territory by the ordinance of 1787.

Mr. **ADAMS** rose and addressed the House three hours, in opposition to the boundary as described in the bill. He examined the provisions of the ordinance of 1787, which, he contended, settled the boundaries of the States of Illinois, Indiana, and Ohio, with that of the Territories north of those States, definitively and forever; and that the several boundaries could not be altered, unless by the common consent of Congress, the States and Territories interested, and the State of Virginia. He contended that the bill before the House altered the boundary between Michigan and Ohio, to the injury of the former State, and in violation of the original compact.

When Mr. Adams had concluded his remarks, several gentlemen addressed the Chair, and the floor was obtained by

Mr. **CUSHMAN**, who said that, believing the previous question to be one of the most salutary rules of the House, and believing this to be a fit occasion for its application, he now moved it.

Mr. **ADAMS** remarked that he hoped the yeas and nays would be taken on his motion to amend.

Mr. **VANDERPOEL** moved a call of the House, and thereupon asked the yeas and nays; which were taken, and the motion was agreed to: Yeas 109, nays 43.

The call was commenced, and proceeded in for some time, when, on motion of Mr. **HUNTSMAN**, all further proceeding in the call was dispensed with.

The previous question was then seconded, and the main question was put on ordering the bill to a third reading, and decided in the affirmative: Yeas 153, nays 45, as follows:

Yeas--Messrs. Chilton Allan, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushman, Deberry, Denny, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Grayson, Haley, Jos. Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Hiester, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Wm. Jackson, Jabez Jackson, Janes, Jarvis, Jos. Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, B. Jones, Judson, Kilgore, Lane, Lansing, Laporte, Lawler, Lay, G. Lee, J. Lee, L. Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, Maury, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Roane, Rogers, Seymour, W. B. Shepard, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Spangler, Speight, Standefer, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, E. Whittlesey, T. T. Whittlesey—153.

Nays—Messrs. Adams, Heman Allen, Bailey, Bell, Briggs, William B. Calhoun, G. Chambers, John Chambers, Childs, Clark, Everett, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Ingersoll, Jenifer, Lawrence, Lincoln, Love, S. Mason, McCarty, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Phillips, Potts, Reed, Robertson, Russell, Slade, Steele, Taliaferro, Underwood, L. Williams, Sherrod Williams, Wise—45.

So the bill was ordered to a third reading this day.

ARKANSAS.

The House then took up the bill providing for the admission of Arkansas into the Union.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

Mr. ADAMS then renewed the amendment submitted by him in Committee of the Whole, in relation to the restriction of slavery in the State of Arkansas.

The amendment having been read,

Mr. WILLIAMS, of Kentucky, rose and moved the previous question.

Mr. ADAMS then claimed the floor.

Mr. WILLIAMS, of Kentucky, insisted upon his right.

The CHAIR decided that, according to the strict rule, the latter gentleman was entitled to the floor, if he insisted upon it. That gentleman rose in his place, and was announced by the Chair. He submitted a motion; that motion was propounded from the Chair, and the gentleman from Massachusetts did not claim the floor until the Chair was about to put the question to the House.

Mr. ADAMS appealed from the decision of the Chair.

Mr. WILLIAMS, of North Carolina, inquired if the gentleman from Massachusetts had resumed his seat.

Mr. ADAMS stated explicitly he had not.

Mr. WILLIAMS, of North Carolina, said it was clear, then, that the gentleman from Massachusetts was entitled to the floor.

Mr. BOON remarked, then if a gentleman chose to stand in his place, he might claim the floor, to the exclusion of every other member, as long as he pleased.

Mr. PHILLIPS said that, being in the immediate neighborhood of his colleague, [Mr. Adams,] and having observed what passed, he felt bound to state that, according to his recollection, his colleague rose, addressed the Speaker, stated that he wished to offer an amendment to the bill, and sent his amendment to the Clerk, remaining upon his feet while the Clerk proceeded to read it, evidently with the intention of proceeding to address the House in relation to it. The Speaker was, at the time, looking towards the other quarter of the House. At the instant when the Clerk had finished reading, the gentleman from Kentucky [Mr. Williams] rose, was immediately recognised by the Speaker, and moved the previous question, which was entertained by the Chair. Mr. Adams immediately claimed the right of proceeding, stating that he had not relinquished the floor, and had merely awaited the reading of the amendment by the Clerk. The Speaker then looked towards him, and immediately said: "The gentleman from Massachusetts will proceed"—but, upon objection being made by the gentleman from Indiana [Mr. Hannegan] and others who were standing in the centre aisle, the Speaker decided that the gentleman from Kentucky was entitled to the floor. Mr. P. said that he could not have the slightest doubt that his colleague was entitled to the floor, and that he was in the act of addressing the Chair when the gentleman from Kentucky submitted his motion.

Mr. BOULDIN said he, like the gentleman from Massachusetts, [Mr. Phillips,] was standing near the gentleman from Massachusetts, [Mr. Adams.] Mr. B. was standing in front of him, [Mr. Adams,] and quite near, though not quite as near as the gentleman last up, [Mr. Phillips,] who was sitting very near him on his left. Mr. B. had not the least doubt of the sincerity of that gentleman in saying that his colleague [Mr. Adams] had not forfeited his precedence on the floor. He (Mr. B.) had little knowledge of the rules, but standing immediately before the gentleman, [Mr. Adams,] he had expected him to support his motion, and was listening to hear it. He was surprised not to find him go on. A short time after he (Mr. B.) had come to the conclusion that the gentleman from Massachusetts [Mr. Adams] did not intend to support, at that time, his motion to amend; the gentleman from Kentucky [Mr. Williams] addressed the Chair, as he understood it, and the Chair announced "the gentleman from Kentucky."

Mr. ADAMS here interrupted the gentleman from Virginia, and was going on for some time; when

Mr. BOULDIN begged leave to ask the gentleman whether he was explaining, or what?

Mr. ADAMS said he was answering the gentleman from Virginia.

Mr. BOULDIN then said the gentleman from Massachusetts had cut him out in the middle of a semicolon; while the gentleman himself had made his motion, had his amendment read, and was waiting until another gentleman had obtained the floor, and addressed the Chair, and still claimed the floor. Mr. B. said he would move to lay the motion to amend on the table.

A suggestion being made that the motion was out of order,

Mr. BOULDIN then moved the previous question on the appeal; which was seconded by the House: Ayes 95, noes 51.

Mr. EVANS asked for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 109, nays 80.

Mr. REED then asked for the yeas and nays on the main question, being "Shall the decision of the Chair stand as the judgment of the House?" which were ordered, and were: Yeas 97, nays 87.

So the decision of the Chair was affirmed, and the question recurring on the motion for the previous question, it was seconded by the House: Ayes 101, noes not counted.

Mr. BRIGGS called for the yeas and nays on ordering the main question to be put; which were ordered, and were: Yeas 126, nays 67.

Yeas--Messrs. Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, Gillet, Grantland, Grayson, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Lansing Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, John Y. Mason, William Mason, Moses Mason, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, F. Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shields, Sickles, Smith, Speight, Standefer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Thomas T. Whittlesey, Sherrod Williams—126.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bond, Borden, Briggs, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Clark, Corwin, Cushing, Darlington, Denny, Evans, Everett, Fowler, Philo C. Fuller, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Ingersoll, William Jackson, Janes, Jenifer, Laporte, Lawrence, Lay, Lincoln, Love, Job Mann, Samson Mason, Maury, McCarty, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Rencher, Robertson, Russell, Slade, Sprague, Storer, Underwood, Vinton, White, Elisha Whittlesey, Lewis Williams, Wise--67.

So the House determined that the main question, on ordering the bill to a third reading, should then be put.

Mr. HIESTER asked for the yeas and nays on that question; which were ordered, and were: Yeas 147, nays 52, as follows:

Yeas—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bell, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Spangler, Speight, Standefer, Storer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, Wise--147.

Nays—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, Wm. B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Grennell, H. Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Ingersoll, William Jackson, Janes, Laporte, Lawrence, Lay, Lincoln, Love, Samson Mason, McCarty, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, Sloane, Underwood, Vinton, Elisha Whittlesey, Lewis Williams--52.

So the bill was ordered to a third reading this day.

The Michigan bill was then read a third time.

Mr. VANDERPOEL said that a test vote had already been taken upon this bill, and the expression in its favor was so strong that no gentleman could doubt its passage. Under a firm belief that the further consumption of time would not change a vote, or alter the result, he moved the previous question.

So the bill was passed.

The Arkansas bill was then taken up and read a third time.

Mr. HUNTSMAN moved the previous question; which was seconded: Ayes 95, noes not counted; and the main question being ordered,

Mr. ALLEN, of Vermont, then asked for the yeas and nays on the passage of the bill; which were ordered, and were: Yeas 143, nays 50, as follows:

Yeas--Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, J. Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Standefer, Storer, Taliaferro, Taylor, Thomas, Toucey, Turrill, Vanderpoel, Ward, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, Wise--143.

Nays--Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, William B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Grennell, Hall, Hard, Harper, Hazletine, Henderson, Hiester, Hoar, William Jackson, Janes, Benjamin Jones, Laporte, Lawrence, Lay, Lincoln, Love, Samson Mason, McCarty, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, John Thomson, Underwood, Vinton, Elisha Whittlesey, Lewis Williams—50.

So the bill was passed.

Mr. **CONNOR** said, as the House had been delivered of twins, he thought after the operation they might adjourn; and he made that motion, but subsequently withdrew it at the request of

Mr. **CLAIBORNE**, of Mississippi, who made an ineffectual attempt to offer a resolution; and Mr. **LOVE** renewing the motion to adjourn,

The House adjourned.

Tuesday, June 14.

ADJOURNMENT OF CONGRESS.

On motion of Mr. **HAYNES**, the joint resolution was then taken up and read, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the Senate and Speaker of the House of Representatives close the present session of Congress, by an adjournmen tof their respective Houses, on the 23d day of May next."

Mr. **HAYNES** moved to strike out the 23d of May, and insert the 27th of June.

Mr. **MANN**, of New York, moved to insert the 4th of July. He made this motion, he said, in accordance with an understanding which had been had with gentlemen on this floor, who wished to continue the session till that time, in reference to the interests of the Western part of the Union. He knew that those interests were of great importance, and he hoped that the motion would be agreed to without debate or division.

Mr. **HARDIN** urged that it was impossible at this time to tell on what day we could get away. He would vote reluctantly for the 4th of July, but would prefer the 11th. Nearly the whole of the session had been appropriated to bills relating to the interests of the States east of the mountains. He thought it incumbent on Congress to take some measures for the distribution of the proceeds of the sale of the public lands. He also alluded to the probability that circumstances would render it proper for the House to go into the consideration of our relations with Texas. He hoped that the further consideration of the resolution would be postponed till Monday next.

Mr. **PARKS** was opposed to adjourning on the 4th of July. He was aware that a great deal of the session had been taken up by debate, perhaps useless debate, without doing the business of the people. There had been but a few of the appropriation bills passed, and the bills to admit two States into the Union, and that was pretty much all that had been done. The House had, by a large majority, determined to fix a day of adjournment; but it would become necessary for the House to reflect and consider what business is yet remaining undone. There were also other States which had business which needed action, besides the Western States. There were yet to be acted on two fortification bills; the bill to organize the Treasury Department; the custom-house bill; a Judiciary bill; a bill to reorganize the Patent Office; a bill to reorganize the Land Office; a bill to regulate the public deposites; an army bill; a bill for the regulation of the mint; a bill in relation to the Cumberland road; a bill to graduate the price of the public lands, and various other bills. All this business could not be done in eleven days. Much would have to be left undone; and whose business was to be left undone? He would not vote to fix the day of adjournment on the 4th of July, because it would be impossible to get through much of the important business of the House by that time.

Mr. **WILLIAMS**, of North Carolina, moved to refer the joint resolution to a select committee, with instructions to inquire into the expediency of proposing a day of adjournment of the present session.

Mr. W. went on to contend that nothing was ever gained by fixing the day of adjournment, and he did not believe that the business before the House could be got through with in the time proposed. His object in making the motion he had was, that the committee should take up the subject, and examine into the state of the business before the House, with a reference to its disposition and the time to adjourn.

Mr. **MASON**, of Virginia, hoped the proposition of the gentleman from North Carolina would be adopted, and especially that they would not waste time in discussing the subject.

Mr. **SUTHERLAND** adverted to the large mass of business before the House, bills indispensably necessary to be passed. The "harbor bill," the "light-house bill," the "custom-house bill," and many others. The most important business of the country had been left undone, and he should vote for the most distant day.

Mr. **HIESTER** was opposed to the proposition of the gentleman from North Carolina, for he thought the House could dispose of and arrange its order of business as well as a select committee. He should go for the earliest day; for when a day was once fixed, business would be expedited.

Mr. **LEWIS** thought the subject had better be postponed, and he hoped the House would pass to the orders of the day.

Mr. **WHITTLESEY**, of Ohio, was in favor of the proposition of the gentleman from North Carolina. It was the old practice of Congress to raise a committee to inquire into and recommend what business should be immediately transacted, and that practice fell into disuse only at the 21st or 22d Congress. He could not see how any Western gentleman could vote for an early day of adjournment. He referred to the fact that the city of New York alone had more time devoted to its own individual business than the whole country west of the Alleghany mountains, whether the business be of a public or private character.

Mr. **HAYNES** said he would harmonize the two propositions as to fixing the day, and accept the motion of the gentleman from New York [Mr. MANN] as a modification of his own.

The question accordingly recurred on fixing on the 4th day of July.

Mr. **CAMBRELENG** expressed his surprise that the gentleman from Ohio [Mr. WHITTLESEY] should advocate the proposition for a select committee on this subject, since it was well known that, when it was the practice to raise such a committee, their report was invariably set aside in the House. He should vote against it. Mr. C. said he had uniformly voted against fixing any day of adjournment, and he had been governed in that vote by one consideration alone. It was this: that he would not vote for any day fixing the day of adjournment until the bill regulating the deposites of the public money was either passed or failed. Two years ago the House sent this bill to the Senate, which body never returned it. One year ago the bill was defeated in the House by an amendment, moved by an opposition member, which would have rendered it totally inoperative. Mr. C. also expressed his surprise at what fell from the gentleman from Ohio, in reference to the bill for the relief of the city of New York. That bill related to nothing more than the collection of the public revenue, in which every portion of this Union was just as much interested as the city of New York. But he should like to know whose fault it was that this bill had occupied two months? Certainly not the fault of the delegation from New York, or the majority of the House. A large majority were evidently, from the vote given that morning, determined to fix some day for adjournment; and if they did, he hoped they would fix the longest day. He did believe, however, that when the day was once fixed, they would transact more business in ten days than in two months without it.

Mr. SPEIGHT should vote against the proposition of his colleague, because it was asking a select committee to do that which every member of the House could do for himself, by referring to the calendar, viz: ascertain the state of their business. He was disposed to vote for a day certain.

Mr. BRIGGS inquired which motion then pending had precedence.

The CHAIR replied, the motion of the gentleman from North Carolina to commit with instructions.

Mr. BRIGGS was in favor of fixing on the 4th of July.

Mr. BOON rose and said that all who knew him, as a member of the House of Representatives, knew full well that he had at no time evinced a disposition to delay action on the business of the House, or to produce a long session. He had sat in his seat six and a half months during the sittings of Congress, and had given his vote upon many questions in which his constituents were not particularly and immediately interested; in the mean time he had been assured, by many highly respectable gentlemen from the old States, that something should be done for the people of the new States in the West before the adjournment of Congress, and he hoped that those gentlemen would make good their promise. Mr. B. said that he would only advert to three bills in which the people of the State which he had the honor, in part, to represent, felt a deep and abiding interest. I allude, said Mr. B., to the Cumberland road bill, the bill to graduate and reduce the price of the public lands, and the bill to reorganize the General Land Office. Sir, said Mr. B., I consider the bill last named one of the most important that has been presented to the consideration of Congress. The passage of this bill is not only of vast importance to the people of the new States, but, sir, it is of vast importance to all those of the old States of the Union who have purchased any portion of the public lands. Mr. B. said that he would vote for the 4th day of July, as the day to be fixed for the adjournment of Congress. He would, he said, vote to adjourn on tomorrow, if those bills which he had named were acted upon, and such other bills as might be indispensably necessary for the common defence of the country.

Having said thus much, Mr. Speaker, I will now, said Mr. B., reply to the gentleman from Massachusetts, [Mr. BRIGGS,] who has just resumed his seat. That gentleman has said that those of this House who are opposed to this administration are in a "snug minority of some forty-five;" and rather tauntingly asks how it is that the minority in this House can defeat the wishes and the will of the majority. The gentleman from Massachusetts tells this House and the country that the friends of the administration in this House are in an overwhelming majority; and again asks the question, how is it that the minority in the House are liable to the charge of defeating the will of a majority? Mr. B. said, I will tell the gentleman from Massachusetts, and the country at large, how it is that the party in politics opposed to this administration have managed to embarrass the proceedings on business in this House, and to defeat the will of the majority. Sir, it is in Committee of the Whole House, where the "previous question" cannot be applied, that the minority can detain the majority as long as a proposition to amend shall be undecided, and where debate is unlimited. Such has been the course of the party opposed to this administration throughout this very protracted session. Amendments have been proposed and debated at great length by the minority in this House, which they well knew would be voted down by the majority as soon as the subject could be brought into the House, where the "previous question" could be applied.

Sir, I recollect that one amendment proposed by an opposition man to one of the appropriation bills, some time since, was discussed in Committee of the Whole for weeks together. Sir, said Mr. B., there is another mode by which the minority in this House have wasted its time, and caused delay in the business of the House; that is, by frequent calls for the yeas and nays on immaterial questions, such as a motion to adjourn; for a call of the House; for the previous question, and on points of order. Each taking of the yeas and nays consumes about one half hour of the time of the House. Search the journals of the House, and I venture to assert that it will be found that, nine times out of ten, those delays have been produced by motions and calls by the party opposed to this administration. It is in this way, and by long speeches, that the time of the House has been taken up, and the business of the country neglected. Sir, if the majority in politics in this House will go with me for the "previous question" every two hours in the day, (as the people themselves would, could they be here and witness our proceedings,) the business of the House would be proceeded in, and some beneficial results might yet grow out of our labors.

Mr. DUNLAP regretted to see such an earnestness on the part of many gentlemen to fix a day of adjournment, for he did not concur in the reasons assigned in its favor. He hoped no day of adjournment would be fixed, but that they would first act upon all the public and private business before them, and then adjourn.

Mr. MANN, of New York, replied at some length to the remark of the gentleman from Ohio in reference to the time the New York bill had occupied. Neither the delegation from New York nor the majority of the House were responsible for the very wide range the debate had taken; but the greater part of it came from the delegation from Kentucky.

Mr. GRENNELL said he was in favor of the 4th of July, and saw no necessity for a committee for the purpose indicated by the honorable gentleman from North Carolina. A committee might review the business of the House, but to what end? Could it throw new lights upon it? All the unfinished business on the calendar could not be acted on. It was not intended that such a committee should select certain measures for the special action of the House, for reasons to be given. How, then, could it assist the judgment of the House? If such was the intention of the advocates of a committee, he should protest against it. We have the unfinished business of the session (said Mr. G) fully and distinctly before us; we have for weeks held it in view in reference to the day of adjournment. He would, therefore, consider this House the fittest committee to review its works, and say when they shall terminate.

It was true (Mr. G. said) the House had yet to act upon some bill regulating the deposites of the public money, and the division of the surplus revenue among the States; upon the land bill, fortification bill, and others of magnitude. At least he hoped for such action. Some measures there were especially interesting to the West, which he should be glad to pass and adopt. But, (Mr. G. asked,) can we not act on the measures of chief importance in the time that will be left us till the 4th of July? Indeed, he believed the House would accomplish more, and to better purpose, by having the day of adjournment fixed and before it, than by leaving that point longer unsettled.

Some gentlemen had complained that the West had not been sufficiently regarded in the legislation of the session. Perhaps (Mr. G. said) it may be so. He would repair the injustice. But there was a point beyond the West—our West—to which some gentlemen would direct the attention of this House, but to which we were, at present, in his judgment, forbidden to look, by every dictate of policy and duty. He referred to Texas. Gentlemen, in this debate, had expressed a hope that Congress, at the present session, might acknowledge the independence of that country, and, perhaps, go further in reference to it. He would hold in high respect the sympathies felt and expressed by gentlemen for the people of that revolted province. He hoped and trusted they would achieve their independence and power of self-government, and exercise them forever, but without connexion with this Union; but he could not consent to prolong the session for any movement with any reference to Texas. He felt sure no measures, at the present session, could wisely or safely be adopted, bearing upon that people. Delicate questions would arise, which gentleman should hesitate to encounter.

Mr. **LANE** thought the better way of determining on the day for the adjournment of the House was by looking at the business which was to be done. He was for having the deposite bill acted upon, because he considered the responsibility which was thrown upon the President was too great to be put into the hands of any individual. He said the nation looked to Congress to act upon this bill before they adjourned, and it would take some time to discuss this single bill. Then the bills chartering the banks of the District were to be acted on, to prevent bankruptcy and ruin to the people of the District. If the 4th of July was fixed as the day of adjournment, the bills for the Western country must go unacted on; and he was unwilling to fix a day of adjournment, to cut off action on those bills.

Mr. **HOWARD** suggested a modification to the amendment of the gentleman from North Carolina, that the select committee consist of the chairmen of all the standing committees of the House; which

Mr. **WILLIAMS** accepted, and his amendment was so modified.

Mr. **PEARCE**, of Rhode Island, approved of the modification, and was more in favor of the resolution now than he was before. He was aware that all the bills now before the House could not be acted upon; and he thought they might follow a precedent which had heretofore been set, by referring the subjects before the House to a committee, for the purpose of determining which was the most important business. In relation to the deposite bill, he thought there ought to be but one opinion; which should be, that Congress should not adjourn until that bill was passed. He thought to refer the matter to prominent members of the House was the motion which ought to prevail. He was in favor of fixing as early a day as possible; but he would take into consideration the business which was to be done.

Mr. **PATTON** moved to lay the whole subject on the table for the present, but subsequently withdrew it.

Mr. **HAWES** was in favor of the motion to commit this subject to a committee. He was in favor of having as much of the public business transacted as possible before they adjourned. He alluded to the bill to make appropriations for the West Point Academy as a measure which would occasion considerable debate, as Mr. H. himself intended speaking some hours to show the corruptions of that institution. Mr. H. concluded by moving to postpone this resolution until Monday next.

Mr. **EVERETT** said he had uniformly voted against the suspension of the rule to take up this resolution, and he would now state the reason why he had so voted, and why he was now ready to fix the day for adjournment. He had voted against the suspension of the rules, because he did not wish to fix the day of adjournment until the bill for the distribution of the proceeds of the public lands should be finally acted on. He foresaw, and he presumed every friend of that measure must have foreseen, that if the day was previously fixed, we had no security that that bill would be taken up. The friends of that measure had it in their power (it requiring a vote of two thirds) to say that the day of adjournment should not be fixed until it was taken up; they knew that by surrendering the power in their hands they gained nothing; their opponents would not adjourn until they were prepared. By the vote now taken, suspending the rule, the power was surrendered. He considered it as evidence that the friends of the bill no longer entertained a hope that it would be taken up; and if that was not to be taken up, he should vote for the earliest day of adjournment.

Mr. **ASHLEY** would prefer the 11th of July.

The question was taken on the motion to postpone till Monday next; which was negatived: Ayes 61, noes not counted.

The proposition of Mr. Williams was rejected without a count.

The question then recurred upon the motion to insert the 4th of July.

Mr. **HIESTER** moved to insert the 27th of June, and

Mr. **ASHLEY** moved to insert the 11th of July.

These motions were ruled not then to be in order.

Mr. **HIESTER** asked for the yeas and nays on the first motion; which were ordered.

Some conversation took place as to the mode in which the question should be propounded, between the **CHAIR**, Messrs. **GARLAND** of Louisiana, **VANDERPOEL**, and **GRENNELL**. The point was, whether the date in the resolution, as it came from the Senate, should be considered in blank. If so, the vote would be taken on the longest time first; if not, the questions would be taken in the order in which they were made.

Mr. **LEWIS** said, as the bill changing the time of meeting of Congress might again come up and be acted on, he would move to postpone the further consideration of the subject till Tuesday next. Lost.

The question was then taken on inserting the 11th of July, (as an amendment to fixing the 4th,) and decided in the negative: Yeas 73, nays 137.

The question recurring on inserting the 4th of July,

Mr. **HIESTER** moved to insert the 27th of June. Lost.

Mr. **ROBERTSON** moved to insert the 2d of July. He gave as a reason for the motion the fact that the 2d was on a Saturday, and he presumed that Congress would not transact business on the 4th of July, unless there was some imperious necessity for it.

The motion was lost, when the motion to insert the 4th of July was agreed to; and the resolution, as amended, was concurred in.

MICHIGAN AND ARKANSAS.

On motion of Mr. **SEVIER**, the House went into Committee of the Whole on the state of the Union, (Mr. Pierce, of New Hampshire, in the chair,) and proceeded to consider the following bill:

"An act supplementary to the act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

The bill having been read,

Mr. **VINTON** moved the following amendment, as an additional section to the bill:

Be it further enacted, That the 8th section of an ordinance passed by the convention of delegates at Little Rock, assembled for the purpose of making a constitution for the State of Arkansas, which is in the following words, viz: "All that section of country lying west of the western boundary of the State of Arkansas, which was formerly a part of the Territory of Arkansas, under the provisions of an act of Congress, approved the 26th day of May, 1824, entitled 'An act to fix the western boundary line of the Territory of Arkansas,' and which was ceded by the United States to the Cherokee and Choctaw Indians, whenever the Indian title shall be extinguished to the same, shall be attached to, and form a part of, the State of Arkansas; and when the said Indian title shall be extinguished, the western boundary of the said State shall be in accordance with the provisions of the said act of Congress," be, and the same is hereby, rejected.

Mr. V. addressed the committee at some length in support of the amendment.

A debate followed, in which Messrs. SEVIER, PARKER, LOVE, PATTON, CAMBRELENG, HOWARD, HUNTSMAN, STANDEFER, McKAY, TOUCEY, and CHAMBERS of Pennsylvania, took part.

Mr. CUSHING said: If, in common with the gentleman who spoke last, [Mr. Patton, of Virginia,] I could feel persuaded that the amendment of the gentleman from Ohio [Mr. Vinton] is of no practical importance, I should be content to give a silent vote upon the subject. But I take a very different view of the subject. I conceive the amendment to be of immediate practical value; and this I will endeavor to show to the satisfaction of the committee.

On this incidental question I shall not undertake to recapitulate the wrongs of the Indians. Nor shall I stop to inquire what present cause of complaint have the Cherokees or Creeks against the States of Georgia and Alabama. There is little in the conduct of the Europeans towards the aboriginal inhabitants of this continent which the eye of justice and humanity can regard with satisfaction. The history of the intercourse of the two races all over the New World exhibits in every page the weak subdued by the strong, and the ignorant despoiled by the wise. Humane as we have been, compared with the conquerors of Spanish America, we have nothing to boast of in this respect. Nor is there any part of the country wholly exempt from blame. In Massachusetts, in New York, in Pennsylvania, in Virginia, the red men have either disappeared before the march of civilization, or they have sunk into abject dependence on the men of Europe. That change in their condition, which is already consummated in the older and more populous States, is now in the process of accomplishment elsewhere; with this difference, that it is going on at present in a more enlightened age, in the sight of the world, and on a broader scale of wrong. I am forced to the reluctant conclusion that it cannot be stopped. Sooner or later the tribes remaining east of the Mississippi will have to abandon the graves of their fathers, and seek a new home on the prairies of the further West. Without debating the original policy or justice of that train of measures which it is now impossible to arrest, or adverting to the character of the means taken for the attainment of the contemplated end, I wish to avail myself of this, as of every other occasion, to manifest my sense of the duties we still owe to these unhappy remnants of the ancient masters of this continent.

What is the present case?

The convention of the people of Arkansas, assembled to form a constitution of Government for that State, passed an ordinance for submitting to the Congress of the United States certain propositions, which, if assented to by us, are to be obligatory on the State of Arkansas. That ordinance has been officially communicated to Congress. The 8th section of it is in the following words:

"Sec. 8. All that section of country lying west of the western boundary of the State of Arkansas, which was formerly a part of the Territory of Arkansas, under the provision of an act of Congress, approved the 26th of May, 1824, entitled 'An act to fix the boundary line of the Territory of Arkansas,' and which was ceded by the United States to the Cherokee and Choctaw Indians, whenever the Indian title shall be extinguished to the same, shall be attached to, and form a part of, the State of Arkansas; and when the said Indian title shall be extinguished, the western boundary of the said State shall be in accordance with the provisions of the said act of Congress."

The amendment of the gentleman from Ohio has for its object to signify, in express terms, the dissent of Congress from the proposition.

This amendment is opposed by the gentleman from Arkansas, [Mr. Sevier.] He does not allege that Arkansas has any claim of right to the territory in question, either now or in the supposed future contingency. He does not pretend that Congress shall accede to the proposition of the convention; but he argues that the amendment is unnecessary, since neither by the bill admitting Arkansas into the Union, nor by this supplementary bill, does Congress assent to the proposition of Arkansas. I cannot concur in his conclusion.

Previous to the enactment of the law of 1830, the idea of removing the Indians west of the Mississippi was a mere unformed project; that act rendered it the settled policy of the United States. The law is memorable for the eloquent and deeply interesting debates of which it was the subject. It is important as fixing irrevocably the fate of the Indians within the chartered limits of the several States. And it adds another to the thousand examples of the fact, that it is our interest and advantage, not their rights or feelings, which guide our dealings with the red men. We, the Government of the United States, decreed, in substance, that the Indians must and should give place to our own population, and betake themselves out of our way to the upper waters of the Arkansas.

To be sure, they were to exchange the lands they now hold for new lands to be assigned to them in the West. An exchange is a contract. A contract implies the independent act of men free to make stipulations in their own behalf, and to accept or decline those of the other party. But has such been their condition? Do they not know that we are determined to have their lands? That we shall obtain those lands, by their free consent, if they choose to give what they cannot withhold, but, if not so, then by other means within our power? That they must treat for the exchange at our bidding, or remain to be pillaged by the lawless and unprincipled among our citizens, and then destroyed by the public force if they resent the wrongs they suffer? In a word, we dictate the exchange; we secure to ourselves the quiet occupation of the lands we covet; while the only assurance they have against molestation in their new country is in promises, not fulfilled by us hitherto in all faithfulness and honor.

Of these Indians, 31,348 persons have already emigrated. There still remain within our borders 72,181 persons to be removed. Included in the latter number are the handful of Seminoles who bid defiance to our armies, and the powerful tribes of the Creeks, already at war with us, and of the Cherokees, whose future course no man is able to predict.

Throughout all our negotiations with these people, when we urge upon them, as one of the arguments of removal, the security they will enjoy beyond the Mississippi, we are met with the long list of engagements of the same kind, which we have made but to break. They point to this very proposition of the State of Arkansas, as indicating that what has been will be again; as evincing that our citizens look even now to the time when they shall be ousted from their new possessions. There is a memorial here on file, recently presented, which complains, and justly, too, that, even before they have taken possession of the lands assigned to them, we begin to talk of making those lands our own once more, as if it was our settled design to exterminate them, or to drive them into the western desert.

Now, in the first place, the proposition of Arkansas is inadmissible and ill-timed in itself. If the day shall ever come when the territory on her frontier is no longer to be held by its present proprietors, then will be time enough to decide whether it shall be placed under her jurisdiction. It is altogether premature at present.

In the second place, it conflicts with the statute of 1830, the third section of which is in these words:

"In the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them, and, if they prefer it, that the United States will cause a patent or a grant to be made and executed to them for the same: *Provided, always,* That such lands shall revert to the United States if the Indians become extinct, or abandon the same."

Mark this proviso. It contemplates only two contingent events in which the western territory ceded to the Indians can revert to the United States. One is the absolute extinction of the Indians; the other is their abandonment of the territory. It does not look to a retrocession of the territory by the Indians as a thing to be considered at all. Either the law will not believe this to be possible, or it will not hold up the possibility to observation. It abhors this alternative as the old philosophy said nature did a vacuum. But this very contingency, which the statute shuns to regard or admit, which it sedulously keeps out of view, is forced upon us by the ordinance of the people of Arkansas. They speak of a time as possible when "the Indian title shall be extinguished;" not when the Indians shall become extinct, or shall abandon their lands; not when their title shall become extinct; but when their title shall be extinguished; which implies an act of extinguishment, a treaty or contract for the accomplishment of that object.

I contend that it is the duty of Congress to give a prompt and decided negative to this proposition. It is not enough to pass it by in silence, to omit assent to it, to reject it by implication. If Arkansas and the United States were the only parties to be affected by it, this might do. In general, perhaps, a proposition not accepted may be considered in law as rejected. But it is not always so. There are many cases in which silence gives consent. There are many others in which a party acquires rights adverse to another by a failure of the latter to make a positive expression of dissent. But we must not treat this as a nice question between lawyers. It acts upon the minds, the feelings, and the conduct, of the Indians. We should dispose of this proposition in a way to reassure them, to remove the distrust which the proposition has awakened; which is only to be done by the distinct and express rejection of it in terms which they cannot misapprehend. And this is the great practical benefit to the United States, which the amendment secures.

We have removed, and are in the course of removing, all our Indian population to the western side of the Mississippi, and concentrating them there on the frontiers of Arkansas and Missouri; we throw them together in a new country; we stipulate with them that they shall consider themselves under our protection. They are not our allies, nor yet our subjects. Under these circumstances, our interest and our duty both seem to exact of us a conciliatory, just, and honorable treatment of this peculiar people.

It is our interest to be at peace with them. We have fearful evidence, in the disastrous events of the present year, of the mischief which a scattered few of these savages can inflict on us, when they are driven to desperation. East Florida is laid waste. Our baffled generals have abandoned it to the tender mercies of Oceola. The war there will have occasioned a call on the present Congress for appropriations to the amount of five million dollars. Suppose all the tribes to be concentrated in the West, capable of mustering a military force of thirty thousand men, and in communication with the Mexican States: would they not be fit objects of apprehension? And does it not become us, in the mere question of interest, if we may, to make them our friends there?

Nay, more: they may be rendered eminently useful to us in their new position. If attached to us by ties of interest and affection, would not the more civilized tribes stand as a kind of advance guard of the United States on the side of Mexico and the wild Indians of the remote West?

But, without regard to considerations of interest, we are bidden, by the most imperative dictates of honor and humanity, to see to their welfare, and quiet them in their new possessions. They have been deeply wronged by us. If not wronged, they have been at least irreparably injured. They have been torn up by the roots, overturned, dashed to the ground, crushed, and driven off by the onward torrent of our own advancing population. It may have been the necessity of civilization that they should have perished so long as they remained in its presence. Yet it is for us they have withered and wasted away, that we may dwell in prosperity and peace in the pleasant places which they and their fathers occupied before we came for their destruction. If we are not lost to every sentiment of honor and feeling, we shall spare no effort to render them contented and happy in the homes we have forced them to accept in the West.

Impressed with these convictions, I would have this proposition of the convention of Arkansas stamped at once with the reprobation of Congress; I would take such a decisive stand on this point as to exclude all hope from the minds of the inhabitants of that State, and extinguish the very seminal idea, that they can ever gain possession of the territory we have so solemnly guarantied to the emigrant Indians.

Mr. EVERETT said he desired to prevent any misapprehension as to the case of Missouri, alluded to by the gentleman from Tennessee, [Mr. Huntsman.] If the remarks of the gentleman should be published, an incorrect impression would be made. The case of Missouri could not be quoted as a precedent for the case in this bill. The land proposed to be eventually annexed to Arkansas is now in the possession of the Cherokees under the guarantee of a treaty, assigning it to them as their permanent home. But on the land eventually to be annexed to Missouri there is not a single Indian who has any claim to remain under any treaty. In 1834, the Committee on Indian Affairs, without having regard to any interest but that of the Indians themselves, excluded this territory from the Indian country; and on the ground that it would be unsafe to place them on this narrow slip, where they must of necessity be brought into frequent collision with the whites. The Missouri river is the natural outlet for the produce of the western part of Missouri. They would pass through it, unless prevented by force. No Indian tribe could there maintain the policy intended to be established in the Indian country—an exclusion of the whites. When it was settled that it should not be included in the Indian country, the only thing that could be done was to annex it to Missouri. The Indian title was, to every purpose beneficent to the Indian, extinguished, but yet not absolutely. The land had been ceded by certain tribes, for the use of such tribes as the President should locate thereon. All the tribes ceding it had been located elsewhere, except a remnant of the Ioways, which were about to join their tribe on a location out of this territory; so that all the Indian title remaining was this trust, that the land should remain for the use of such Indian nations as the President should locate thereon. It was now settled that no Indian would be located there. In 1834, when the report referred to was made, there was an unratified treaty ceding a part of this land to the Pottawatamies. In consequence, probably, of the report, that treaty was ratified, on the condition that they should relinquish the land; which they did. An appropriation had been made the present session to extinguish the Indian title. He referred to the report of the Committee on Indian Affairs accompanying the Missouri bill for a full explanation of the subject.

Mr. VINTON withdrew his amendment, and offered the following:

Strike out the word "that," in the first section of the bill, and insert the following: "In lieu of the proposition submitted to Congress by the ordinance of the convention of delegates, held at Little Rock, assembled for the purpose of making a constitution, which is hereby rejected;" which, after a few remarks from Messrs. TOUCEY, CHAMBERS of Pennsylvania, and SEVIER, was agreed to.

The bill was then laid aside, and the committee took up the "bill supplementary to the act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union."

The bill having been read,

Mr. VINTON moved the same amendment to this bill he had moved to the Arkansas bill, and which had been agreed to, merely changing the words "Arkansas" and "Little Rock," to "Michigan" and "Detroit."

After some remarks from Messrs. GARLAND of Louisiana, SEVIER, ROBERTSON, VINTON, LANE, and HUNTSMAN, the amendment was agreed to.

Mr. ROBERTSON moved a further amendment, repealing that part of the third section of the act to which this bill is supplementary, relating to the Member and Senators elected to Congress from Michigan. Mr. R. gave as a reason for the amendment, that it conflicted with the constitution of the United States, which gave to each House the right to judge of the qualifications of its members.

After a few words from Mr. TOUCEY, the amendment was lost: Ayes 53, noes 77—and the bill was laid aside.

The committee then took up the "bill to provide for the due execution of the laws of the United States in the State of Michigan."

Mr. LANE moved to reduce the salary of the district judge from $2,000 to $1,500; and also that the same salaries be paid to each of the district judges of Ohio, Indiana, Illinois, and Missouri, [in those States they are now $1,000;] which, after a few remarks from Messrs. LANE, TOUCEY, and E. WHITTLESEY, was rejected.

Mr. WILLIAMS, of North Carolina, then moved to reduce the salary of the district judge of Michigan to $1,500; which was agreed to: Ayes 80, noes not counted.

On motion of Mr. CAMBRELENG, the committee then rose and reported the bills and amendments to the House.

The Speaker having resumed the chair.

The House concurred in the amendment of the Committee of the Whole to the Arkansas bill, and the same was ordered to be engrossed for a third reading to-morrow.

The second bill, in relation to Michigan, being taken up,

Mr. ROBERTSON renewed the amendment offered by him in Committee of the Whole, and asked for the yeas and nays thereon; which were ordered.

Mr. TOUCEY raised the point of order that the amendment could not be moved, inasmuch as it was wholly dissimilar from, and unconnected with, the subject of the bill.

The CHAIR overruled the objection; and the question being taken on the amendment, it was decided in the negative: Yeas 59, nays 96.

Mr. TOUCEY moved an amendment, directing the manner in which the university or seminary lands should be located, viz: by the Legislature, and in quantities not less than one quarter section each.

Mr. STORER called the attention of the House to the fact that the trustees of the Michigan seminary or university had located some of their lands within the territorial limits of the State of Ohio, and others on the most valuable and richest sections bordering on the Maumee, south of the line established in the bill providing for the admission of Michigan into the Union.

After a few remarks from Messrs. WHITTLESEY of Ohio, TOUCEY, STORER, and VINTON, the amendment was rejected.

Mr. WHITTLESEY then submitted a proviso to the same, to secure the rights of persons who had purchased grants from the trustees; which was agreed to, and the bill was ordered to be engrossed for a third reading to-morrow.

The amendment to the "bill to provide for the due execution of the laws of the United States in the State of Michigan" was then concurred in, and that bill was also ordered to a third reading to-morrow.

The House then adjourned.

Wednesday, June 15.

As soon as the journal of yesterday had been read,

Mr. ADAMS moved a correction of the journal of the proceedings on Monday in reference to the entry relating to his claiming the floor on that day, after the motion of Mr. Williams, of Kentucky, (see proceedings.) Mr. A. having read his amendment at length,

Mr. HAMER hoped it was not intended to spread the gentleman's speech upon the journal, because, if so, the same privilege must be accorded to the other gentlemen who spoke on the question.

After some remarks from Messrs. PATTON and ADAMS,

Mr. S. WILLIAMS said: Mr. Speaker, inasmuch as the proposition to amend the journal, now under consideration, grew out of a motion made by me for the previous question, I consider it my duty to make a few remarks, in justice to the Speaker and to those who sustained the decision of the Chair upon the appeal made by the gentleman from Massachusetts, [Mr. Adams.] If I understand the proposition to amend, it is to permit the gentleman from Massachusetts to have placed upon the journal his intentions and reasons for claiming the floor when the Speaker had decided that I was entitled to it. In the first place, I deny the right of any member upon this floor to have his intentions and reasons for supporting and maintaining any proposition under consideration placed upon the journal. Sir, suppose we adopt the rule that each member shall have his intentions and reasons for every vote he gives, or every position he assumes, placed upon the journals of this House, when would we be able to close the present session of Congress; and when, I would ask, would the Clerk be able to make up the journal? Sir, it would be endless, and worse than useless, to attempt such a course. As well might I ask to have my reasons placed upon the journals for demanding the previous question, as for the gentleman from Massachusetts to ask to have his intentions and reasons placed upon the journals, why he concluded and determined in his own mind that he was entitled to the floor in preference to me. If I understand the reading of the journal, it is made up in the usual way, and according to the customs and rules of parliamentary usages; and I, for one, am against any change or innovation, to suit the caprice and whim of the gentleman from Massachusetts, [Mr. Adams,] or any other gentleman.

My main object in rising, Mr. Speaker, upon the present occasion, is not to discuss the propriety of the amendment, but merely to state the facts as they occurred and took place upon the occasion to which this amendment of the journal has reference. When the bill to admit the State of Arkansas into the Union was taken up, expecting we were to have a long protracted, and I might say, a useless debate, I determined to call the previous question; and immediately upon the annunciation by the Speaker, of the question upon the reading of the bill a third time, I rose and addressed the Chair; and, as I then thought, and yet believe, (and as several gentlemen around me thought,) I was entitled to the floor. The Speaker, however, announced the gentleman from Massachusetts, [Mr. Adams,] who thereupon moved his amendment, sent it to the chair, and it was read by the Clerk. As soon as the Clerk read the amendment, I addressed the Speaker; the Speaker announced the gentleman from Kentucky. I then remarked that I considered it of more importance to vote and to do the business of the people, and return home to our constituents, than to sit here and hear long and tiresome abolition speeches, and I therefore moved the previous question. The gentleman from Massachusetts, [Mr. Adams,] who I believe was upon his feet all this time, never pretended to claim the floor; and when the Speaker, and not until then, entertained my motion for the previous question, and announced from the chair that the previous question was demanded, did the gentleman from Massachusetts [Mr. Adams] pretend to claim the floor; and when he did claim it, I then took my seat, not with an intention of yielding the floor to the gentleman, but for the purpose of waiting the decision of the Speaker who was entitled to the floor; and the Speaker imagining, I suppose, by my sitting down, that I had yielded the floor, announced the gentleman from Massachusetts. I then rose from my seat, and remarked that I claimed the floor. The Speaker then said, if I claimed the floor by the rules of the House, I was entitled to it. I remarked again, that I did claim the floor. The Speaker then decided that I was entitled to it, and, to my mind, it is a very clear proposition that I was entitled to the floor; for if the gentleman from Massachusetts was entitled to the floor, because of his having moved the amendment to the bill, in preference to me or any other member of the House, (which proposition, by the by, I deny,) the time at which he should have claimed the floor was when I addressed the Speaker, or as soon thereafter as he could have done so, and not to wait until I gave my reasons for moving (and having actually moved) the previous question, and until the Speaker had entertained my motion, and distinctly announced from the chair that the previous question was demanded. It was then too late for the gentleman from Massachusetts to claim the floor, if he would have been otherwise entitled to it, which I deny. There is no rule of this House which entitles the mover of a proposition to the floor in preference to all the other members of this House. We are all, in that respect, upon an equal footing. I therefore have no hesitation in saying that the Speaker decided correctly, and the House did right in sustaining his decision; and I am equally clear and certain that the reasons given, and intended to have been given, by the gentleman from Massachusetts, why he thought he was entitled to the floor, should not be placed upon the journal. I shall therefore vote against the proposed amendment.

Mr. CAMBRELENG moved to lay the motion to amend the journal on the table.

Mr. ADAMS called for the yeas and nays; which were ordered.

Mr. WISE asked if it was in order to lay such a motion on the table?

The CHAIR replied in the affirmative, for it was still in the power of the House to take it up again whenever they thought proper.

At the suggestion of Mr. HAMER, Mr. CAMBRELENG withdrew the motion to lay on the table, and moved the previous question.

Mr. ADAMS raised the point of order whether the gentleman from New York could withdraw the motion after the yeas and nays had been ordered on it; but the point was overruled by the Chair.

Mr. PHILLIPS asked for the yeas and nays on the motion for the previous question.

The CHAIR reiterated the decision frequently before made, that the call was not in order.

The House seconded the previous question, and ordered the main question; on which

Mr. PHILLIPS called for the yeas and nays; which were ordered, and were: Yeas 51, nays 110.

So the motion to amend the journal was lost.

BOOKS TO MEMBERS.

Mr. INGERSOLL moved a suspension of the rules, for the purpose of taking up and considering the resolution to provide books to the new members of the 24th Congress; which was agreed to: Ayes 95, noes 37.

The resolution was then read, as follows:

Resolved, That the Clerk be directed to supply such members of the House as have not been provided under former orders, with the following books:

The Diplomatic Correspondence;
The Documentary History of the United States;
The Land Laws;
The American State Papers;
The Register of Debates, including the two volumes of the first Congress, published by Gales & Seaton, and the two volumes of the last Congress;
Contested Elections;
Commercial Regulations;
Secret Journals to 1778;
Elliot's Debates;

And that the Committee of Ways and Means be instructed to report a bill for the necessary appropriation to carry this resolution into effect.

Mr. SPEIGHT rose and remarked that, as he believed every gentleman was prepared to vote upon it, he moved the previous question; which was seconded: Ayes 82, noes 42; and, on ordering the main question,

Mr. MERCER called for the yeas and nays, but the House refused to order them, and the main question was ordered without a count.

Mr. UNDERWOOD then asked for the yeas and nays on the main question; which were ordered.

Mr. INGERSOLL asked the unanimous consent of the House to permit him to modify the resolution by excluding such books as were out of print.

Mr. UNDERWOOD objected.

Mr. ANTHONY moved to lay the resolution on the table; and

Mr. SMITH called for the yeas and nays; which were ordered.

Mr. ADAMS asked the gentleman from Pennsylvania to withdraw the motion, to enable him to move a reconsideration of the vote by which the main question was ordered; accordingly,

Mr. ANTHONY withdrew the motion, and

Mr. MANN, of New York, renewed it.

Mr. HAWES asked for the yeas and nays; which were ordered, and were taken.

Before the vote was announced,

Mr. MANN, of New York, raised the question of order, that, by former decisions of the House, and the rule adopted the other day on the Michigan and Arkansas bills, this resolution must be considered in Committee of the Whole, inasmuch as it involved an appropriation of money.

The **CHAIR** said that was not the proper time to raise the question. The vote must be first announced, and then, if the question was raised, the Chair would have no difficulty in deciding.

The vote was then announced to be—yeas 82, nays 99. So the House refused to lay the resolution on the table.

The period for which the rule had been suspended having expired,

Mr. CHAPIN moved a further suspension for one hour, to proceed with the consideration of the above resolution.

Mr. MANN, of New York, asked for the yeas and nays, but the House refused to order them, and the question being taken by tellers, was decided in the negative: Ayes 94, nays 60—not two thirds; and the House passed to the special orders.

MICHIGAN AND ARKANSAS.

The following engrossed bills were then read a third time and passed:

The bill supplementary to the act entitled "An act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union;"

An act supplementary to the act entitled "An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes;" and

The bill to provide for the due execution of the laws of the United States within the State of Michigan.

Mr. MANN, of New York, moved that the House take up and consider the following bill, which had been laid on the table some days ago:

"An act to settle and establish the northern boundary line of the State of Ohio."

Mr. ADAMS said he thought that would be doing over again what had been already done, inasmuch as the provisions of this bill were embraced in the bill for the admission of Michigan into the Union, and would look as if the House distrusted the validity of that act.

The motion was agreed to without a count.

Mr. MANN, referring to what had fallen from the gentleman from Massachusetts, remarked that it was to satisfy the scruples of gentlemen from Ohio as to the construction of the former bill. He himself saw no necessity for the passage of this bill, believing that Congress had expended their whole power over this subject on the other bill. In reply to the gentleman's question, what reason there was for the passage of this bill, Mr. M. would reply, according to the fashion of their own country, by asking another question, why should it not be passed? The one question was as good as the other.

Mr. CRAIG argued that there were objections to the passage of this bill, and he proceeded to point them out.

Mr. BOULDIN said he would vote for the passage of this bill. He had voted for a degree of despatch, in passing the bills for receiving Michigan and Arkansas, which was not his habit. He did it for peace sake. The United States and Ohio, as well as Michigan and Ohio, seemed, last summer, to be getting to a point which was little short of war. He had voted to give Ohio the land in dispute, and Michigan much more, in the place of it, for peace sake. He did not think Ohio entitled to the land; but that the United States had the right, at least, to compromise the dispute, and give Michigan a quantity amply sufficient to make up for what was claimed by Ohio. He understood that this bill followed the lines of the bill lately passed; and why not pass it? The same motive that induced him to vote for more than ordinary despatch and decision, in passing the bill before alluded to, would induce him to vote for this bill.

Mr. HUNTSMAN made a few remarks on the same subject.

Mr. MILLER moved the previous question; which was seconded: Yeas 74, nays 47; and the main question was ordered.

Mr. ADAMS asked for the yeas and nays on the main question; which were ordered, and were: Yeas 122, nays 42. So the bill was ordered to a third reading.

The question being on the passage of the bill,

Mr. MILLER said he had but a very few words to say on this subject, and they were in explanation of his own vote. He had voted to lay the present bill on the table when it was first taken up for consideration, because there was a provision in another bill, the bill for the admission of Michigan into the Union, to settle the boundary line of Ohio. That bill has now passed, and establishes this disputed line as effectually as Congress can establish it. He therefore thought it was now too late to entertain a discussion in relation to the force of the ordinance of 1787, and the right of Congress to settle the question. This body has acted, and has fixed the disputed boundary in the first section of the bill to admit Michigan. He thought this sufficient, and had voted against ordering the present bill to a third reading, because it only reaffirms that which we have already done. A large majority of the House, however, had thought proper to vote for it, in order to remove the doubts which some gentlemen have expressed. To this he did not object; but, for himself, he believed it entirely unnecessary, and had therefore voted against it, and would do so again on its final passage.

The debate was further continued by Messrs. **ANTHONY, UNDERWOOD, ADAMS, LOVE, WARDWELL, BOND**, and **KINNARD**.

Mr. BRIGGS said: Though the question as to the boundary between Ohio and Michigan had produced a great and protracted excitement between the parties interested, the whole matter, in his opinion, turned upon a single point—all depended upon the construction of a proviso in the fifth fundamental article of the ordinance of 1787. The subject had undergone the most learned and elaborate discussion and investigation, by committees in both Houses of Congress, and by gentlemen representing the interests of Ohio and Michigan. But a large portion of the labor had been expended upon branches of the subject which, in his view, were not necessary to enable us to come to a correct decision of what he considered the main point in issue. He agreed with the gentleman from Kentucky, [Mr. UNDERWOOD,] that the true interpretation of the ordinance of '87 was the important thing to be ascertained. That was the question. Mr. B. said he was frank to declare, if he could surmount the difficulty which he encountered in the ordinance of '87, as a matter of expediency he would give his assent to the line as claimed by Ohio. This difficulty, however, he had not been able to master.

When he first read that ordinance with attention, he was strongly impressed with the opinion that the line running east and west through the southerly bend of Lake Michigan was intended by its framers to be an unalterable line between the three States south of it, and the one or two States which Congress might "think proper to establish in that part of the territory" north of it. Since then, he had read, with a good deal of care, the reports and arguments on both sides, but without weakening or changing his first opinion. From a perusal of the whole of the fifth article to which he had alluded, and looking to the language of the proviso, which more immediately relates to this boundary, it was made very clear, indeed, to his mind, that it was designed to be a fixed and permanent boundary.

In that ordinance it is said, "it is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent." Article fifth declares "there shall be formed, in the said territory, not less than three nor more than five States; and the boundaries of the said States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows." Then follows a description of the boundaries of the three Territories, since erected into the States of Ohio, Indiana, and Illinois, the northern boundary of each of which is the territorial line between the United States and Canada: "Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject to be so far altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." No one has expressed a doubt that the boundaries of the three States described in this article, but for the power conferred on Congress by the proviso, are among the things declared to be unalterable, "unless by common consent." The proviso gives to Congress the power, if they shall think it expedient, to alter the boundaries of these three States. But how to alter them? To what extent may these limits, so particularly and carefully described, be changed by the National Legislature? The language of the proviso is clear and explicit on this point. There would seem to be hardly room for a difference of opinion upon it. "The boundaries of these States shall be subject to be so far altered" that Congress may, if they see fit, form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend of Lake Michigan. Congress has exercised their power under this clause by saying that there shall be one or more States in that part of the said territory. Having thus used the power, they can no farther alter the boundaries of the three States, than by fixing their new northern limits where the proviso directs them to be fixed.

But it is argued that the power to form one or two States in that part of the territory north of the line drawn through the southerly bend of Lake Michigan means that they may form one or more States any where, in any part of the territory north of said line, and that they need not, unless they choose, make that line the base or southern boundary of the State or States so formed. Is this the common-sense, the obvious and the natural construction of the terms used? It seems to me to be quite the reverse. The language is not, that Congress may form one or two States in a part, or in any part, of the territory named; but that they may form one or two States in that part of the said territory which lies north of a given line. They can make no more than two States, at any rate, in that territory, and they can no farther alter the boundaries of the other States than by forming the one or two States in that part of the territory north of said line. The first clause of the fifth article, referring to the whole territory, declares there shall be formed, "in the said territory, not less than three nor more than five States." Will it be contended that the intention of this clause of that article would have been complied with by forming five States in a part of that whole territory, excluding from their limits a portion of it? Yet the phraseology is precisely the same in the one case as it is in the other. The true meaning, then, is, that the one or the two States shall be formed in all that part of the territory north of the designated line. This appears to be the clear and plain import and meaning of the language used. If this is correct, it follows of necessity, that, by the exercise of the power given under the proviso, the northern boundaries of the three States are so far altered as to be on the east and west line running through the southerly bend of the lake, instead of being on the territorial line between the United States and Canada. Beyond this, Congress cannot alter the boundaries of those States without the common consent, because by the ordinance these limits are declared to be unalterable. By the bill under consideration, Congress undertakes to establish a different boundary for the northern part of Ohio from either of those indicated in this ordinance, not only without, but against the consent of Michigan. In doing this, I believe they transcend their powers. Holding this opinion, I am constrained to vote against the bill.

The bill for the admission of Michigan into the Union, which has passed both Houses of Congress, and only waits the signature of the President to make it a law, contains the same provision as to the northern boundary of Ohio, as the one before us. This is one of the reasons which led me to oppose that measure by my vote. There were, to be sure, other objections of great weight, but this, standing alone, would have been sufficient to have settled my opinion against it. It is true, there was a clause in that bill calling on the people of Michigan to give their consent to the boundary as therein established. Upon that consent depends their admission into the Union. This, in my view, is another highly objectionable feature in that bill. Its incorporation is a palpable violation of the rights of the people of that Territory. Acting under its influence, they are, to all intents, in a state of moral duresse. You place the boundary between them and a neighboring State, where they say you have no authority to place it, without their consent. They remonstrate against your act. Still you go on, and do what they protest you have no right to do, and tell them that, unless they give their assent to this violation of the compact, this dismemberment of their territory, they shall not come into the Union, but remain in a state of territorial bondage and dependence. Is this keeping the faith of the nation with the people of Michigan according to the plain and obvious meaning of the ordinance of 1786? If Congress has the power and the right to fix the northern boundary of the State of Ohio where she claims it should be, and where the act of admission fixes it, why require the people of Michigan to give their assent to it as a condition of their admission? If Congress has not this right, without the consent of the people of Michigan, where is the justice of the attempt to extort that consent from them? These, sir, are, in short, the reasons which compel me to stand up, though in a small minority, against the bill which you are about to pass by an overwhelming majority.

But that majority, however large, cannot annul, though they may violate, the sacred and unalterable ordinance of seventeen hundred and eighty-seven; an ordinance that will forever remain as a lofty monument of the wisdom and patriotism of its authors. The faith which it pledges should never be tarnished by a violation of its spirit, or an evasion of any of its provisions.

Mr. CAMBRELENG appealed to gentlemen not to continue the discussion. It was admitted on all hands that this bill was merely affirming the provisions of a bill which had passed the other day, and he hoped that discussion might not be protracted on a measure of this kind, when they had but fifteen days to act on the many important bills yet unacted on.

Mr. REYNOLDS, of Illinois, then moved the previous question; and the tellers reporting ayes 63, noes 19—no quorum—

Mr. CHAPIN moved a call of the House; which was ordered.

After proceeding in the call for some time,

Mr. HIESTER moved that its further proceeding be dispensed with; which was agreed to.

The previous question was then seconded without a count, and the main question being ordered and put, was carried without a division. So the bill was passed.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. CAMBRELENG, proceeded to the consideration of the "bill making appropriations for certain fortifications for the year 1836." The bill was reported from the Committee of the Whole, with sundry amendments, and the question was on concurring in these amendments.

The amendment pending was the following:

"For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000," increased by the Committee of the Whole to "$200,000."

Mr. HARDIN addressed the House in opposition to the large appropriations embraced in these amendments. This bill, he said, involved an amount of money not less than $4,000,000. It could not be passed until the 1st of July, and from that time till the next session it would be impossible to expend so large a sum upon one species of works, especially when we took into consideration the vast expenditures now going on in the States for their works of internal improvement. He was convinced the labor could not be found by which so much money could be expended.

Mr. H. referred to a variety of details on the subject, and cited some documents in support of his views, among which were letters from Generals Gratiot and Wool, and to show that the amount proposed in this bill could not be judiciously expended, and that such an increase of fortifications would require a very great increase of military force.

Mr. PINCKNEY moved to amend the amendment, by specifying the objects of appropriation, viz: "one hundred and fifty thousand dollars shall be applied to the construction of a sea wall for the preservation of the site of Fort Moultrie, and the remainder for the construction and repair of Castle Pinckney.

After a few words from Messrs. PINCKNEY, McKAY, and CAMBRELENG, Mr. P. withdrew his amendment.

Mr. CAMBRELENG then, in reply to the gentleman from Kentucky, [Mr. Hardin,] went into a statement to show what were the objects of the appropriations contained in the bill, and the amendments proposed by the committee. He said there was now no surplus of former appropriations, and the appropriations now proposed would all be needed during the year.

Mr. THOMPSON could not vote for the amendment. He protested again and again against the mode now becoming the established usage of the House, of voting large sums without any of the restraints and guards heretofore required. Upon what authority was this appropriation asked? Upon a report from the Department, a survey and estimates? No, but a general sweeping clause in a bill drawn at the Department, without even deigning to give a reason or a fact. How is a member, who votes for this clause, to justify himself to his constituents? By giving facts and reasons for it? No: he has none such. The only ground upon which he can put it is, that the Department recommended it. If this practice becomes common, there was no reason for the very useless and expensive encumbrance of a legislative body, if it is to sink into a mere registering of imperial rescripts; and if there is any class of legislative acts where the separation of executive and legislative power should be strictly guarded, it is in questions of taxation and appropriation. He was sure it was not so intended by the Secretary of War, but he did not regard it as respectful to this House to ask in this mode large appropriations without giving one reason for them.

It is said that the member from the district [Mr. Pinckney] thought that the appropriation was necessary. Mr Thompson meant no disrespect to that gentleman; but he was sure the gentleman [Mr. Pinckney] would not himself be willing that any the least importance should be attached to his opinion on a question of fortifications. [Mr. Pinckney said he only spoke from the opinions of others and officers.] Then, sir, (said Mr. T.,) let us have that information. Those officers are our officers; we have a right to all the information which they can give. Let us know how much is necessary, and how much can be expended, and he would vote for the larger sum. He thought it probable that this sum, and a larger one, would be required; but he was perfectly sure that the smaller sum could not be expended, and therefore should not vote for the larger.

He had seen, if he was not mistaken, a letter of the gentleman [Mr. Pinckney] to his constituents, that he relies upon these large appropriations to Charleston as a set-off against an abandonment (Mr. T. would not say wilful) of the most important interests of the State, and that which is so regarded, almost with unanimity, throughout the State. As one of the representatives of the State, Mr. T. repelled, with scorn, the idea that all the money in your Treasury could tempt the people of that State from their devotion to its rights and interests, or that any agency in obtaining it will atone for a false step, in other and more important matters; nay, more, South Carolina would not only not do this, but the State will not engage in the disreputable scramble for public plunder. Mr. T. must be consistent: this amendment violates all those salutary checks and principles for which he has uniformly contended. He will not violate them now because his own State was to be benefited.

The debate was further continued by Messrs. PARKER, GRAYSON, CAMBRELENG, LOVE, SUTHERLAND, and DENNY.

Mr. HALL said he did not rise with the view of entering into a general argument on the subject of fortifications, but for the purpose of calling the attention of the House to certain facts. He had already, while the House was in Committee of the Whole, expressed himself in favor of liberal appropriations for fortifications, and he intended to vote for such appropriations. It had been represented by gentlemen who were pressing this bill upon the House in all its details, and with all the amendments proposed by the chairman of the Committee of Ways and Means, that it was an ordinary appropriation bill; and surprise had been expressed that any part of it should meet with opposition. Under these circumstances, he had thought it proper to compare this bill with those for similar objects which had been proposed and passed in previous years, and he had accordingly collected from statutes and public documents some facts which he wished to submit to the House.

The amount of the present bill, as originally reported to the House, was -	$1,875,592 95
Additional amendments proposed by the chairman of the Committee of Ways and Means, for the construction of fortifications, - - - -	360,000 00
Making in the whole, for construction of fortifications, - - - -	2,235,592 95
Besides this, there was an amendment for armament of fortifications, of -	700,000 00
Other amendments, - - -	731,053 00
Making the whole amount of the bill, -	$3,666,645 95

He would now compare this bill with those which had been passed during the previous years of the peesent administration. On recurring to the statutes, he found the amount of our former appropriations for fortifications to have been as follows:

Appropriations for	1830,	$851,000
Do.	1831,	713,900
Do.	1832,	643,200
Do.	1833,	822,900
Do.	1834,	870,594
Whole amount for five years,		$3,901,594

It will be perceived (Mr. H. said) that the amount of the present bill only fell short of the whole appropriations for these five years by a little more than $200,000.

[Mr. Cambreleng here said he wished to correct the statement of the gentleman from Vermont. The present bill contained appropriations for other objects than for the construction of fortifications. Nearly one half the amount properly belonged to the army bill, and not to the fortification bill.]

Mr. H. said he had stated the matter correctly. He had stated that the bill contained an appropriation of $700,000 for the armament of fortifications, and $731,000 for other objects, and doubtless these two sums were for objects which belonged to the army bill, if they properly belonged any where. But did the honorable chairman recollect that the army appropriation bill had already passed; that it exceeded in amount the army bill of the last year by more than $900,000, although it contained no appropriations for the Indian wars, or for the increase of the army, which latter objects had all been provided for in separate bills? It was the army appropriation bill for the ordinary objects of a peace establishment, increased since last year from $3,100,000 to over $4,000,000. He did not think the gentleman would mend the matter much by transferring the location of these appropriations from one bill to the other. They were new and extraordinary, wherever they might be located; but as he intended to notice the $700,000 amendment for the armament of fortifications hereafter, he would proceed with his statement in regard to the bill. The present bill contained appropriations for the construction of fortifications of over $2,200,000, while the highest appropriation for any previous year had been but $870,000.

Mr. H. then called the attention of the House to the amount of the fortification bill of the last year. That bill, as reported by the Committee of Ways and Means, and as it passed the House and was sent to the Senate, amounted to the precise sum of four hundred and thirty-nine thousand dollars. It passed this House on the 20th of January, 1835, and the statement of the gentleman from New Jersey, [Mr. Parker,] that the then Committee of Ways and Means had resisted and prevented all increase of it, was entirely correct. He (Mr. H.) recollected the efforts which were then made to obtain additional appropriations, and he remembered the existence of our difficulties with France was urged as an argument in their favor. He had looked into the journals of that day, and found that an additional appropriation of sixty-seven thousand dollars was proposed for Boston harbor, fifty thousand for Baltimore, and forty-four thousand for St. Augustine; that the yeas and nays were taken separately on each of these propositions, and all of them rejected. The name of the present chairman of the committee [Mr. Cambreleng] was recorded on the journal on each of these propositions, and on each of them in the negative. These three rejected additions amounted to the sum of one hundred and sixty thousand dollars, while the appropriations contained in this bill for the same objects footed at four hundred and fifty thousand dollars; and yet the House was told that the present bill was an ordinary fortification bill, and that it contained nothing calculated to excite opposition, or even particular examination.

Mr. H. said he did not pretend to be very wise on the subject of fortifications. It was not until lately that his attention had been particularly drawn to the subject, and he had only been able to examine it in the general, without going much into details. He had, however, examined it sufficiently to be satisfied that it was a great subject—one which very few men well understood, and one which required and demanded the most thorough and critical attention of every member of the House. It was worth while to know a little better than was now known what were the nature and extent of the objects to be gained by the erection of the works in contemplation—to ascertain the number of men and the character of the force which would be required to man them both in peace and war; and to be able to approximate towards an accurate estimate of the amount of expenditures which would be necessary to erect and to arm them. On the subject of expenditures, the examination he had made had satisfied him that very little reliance was to be placed on the estimates of the engineer department, in regard to the cost of fortifications. As instances in proof of the truth of what he asserted, he mentioned Forts Monroe and Calhoun, in Virginia. On Fortress Monroe there had been expended $1,739,000, and two years ago the House had been informed by the Department that the work was finished; yet the present bill contained an appropriation of $210,000 to complete it. The original estimate of the cost of this work was $1,260,000, which, deducted from the actual cost, gave an excess of expenditure over the estimate of $689,000. There had been expended already on Fort Calhoun $1,389,000, and it was now estimated that it would cost $531,000 more, making the whole cost $1,920,000. The original estimate was $904,000, showing an excess of cost over the estimate of $1,016,000. It would be noticed (Mr. H. said) that although about $1,400,000 had been expended on this fort, yet the estimate was not reduced $400,000; and if we went on at this rate, the actual cost of the work could not be expected to be much less than $3,000,000. And were these enormous expenditures necessary to the defence of the country? The Secretary of War had informed us in his report that they were not; that much smaller works would have answered every purpose better, as they might have been more cheaply and more certainly furnished with sufficient garrisons, and leaving the force thus spared from them for the defence of other exposed points in their vicinity.

There was another point to which Mr. H. said he wished to call the particular attention of the House. Neither the Department nor the chairman of the committee had expressed any opinion as to the practicability of expending the sums proposed in this bill on the contemplated works during the year. There had been a perfect silence on that subject. He had been desirous of bringing his mind to some definite conclusion in regard to it; and as the best means of arriving at a proper result, it had occurred to him to look back to the expenditures for the same objects during previous years. He found that the fortification bill of 1834, which amounted to eight hundred and seventy thousand dollars, was passed on the 30th of June of that year, about the same time in the season at which this would probably become a law; and he found it contained appropriations for many of the works which were provided for in this bill. Mr. H. said he had, from printed public documents, constructed a table, showing the items of appropriations of 1834, with the amount of the expenditures made during the year under each, and also the amount remaining unexpended; and for the purpose of further illustration, he had added to it a column, showing the amount proposed to be appropriated by the bill of the House of last year, and another column showing the appropriations proposed this year for the same objects. The table was as follows:

Objects of appropriation, 1834.	Amount of appropriation, 1834.	Expended Jan. 1, 1835.	Unexpended Jan. 1, 1835.	House bill for same objects, 1835.	Present bill for same objects.
Castle Isl. and Ft. Independence,	17,594	–	17,594	8,000	150,000
Fort Warren, Mas.	100,000	15,000	85,000	15,000	200,000
Ft. Adams, R. I.	100,000	95,000	5,000	100,000	200,000
Ft. Columbus and Castle William, N. Y. - -	50,000	17,000	33,000	13,000	20,000
Ft. Throg's Neck,	100,000	13,600	86,400	30,000	200,000
Fort Delaware, -	79,000	34,000	45,000	70,000	150,000
Fort Monroe, -	15,000	15,000	–	–	210,000
Fort Calhoun, -	120,000	57,000	63,000	–	150,000
Charleston Harb.	50,000	47,630	2,370	20,000	200,000
Cockspur Isl. Ga.	82,000	79,000	3,000	82,000	170,000
Fort at Pensacola,	40,000	40,000	–	26,000	50,000
Foster's Bank, Fl.	50,000	50,000	–	65,000	160,000
Grand Terre, La.	50,000	–	50,000	–	50,000
Fort Macon, -	7,000	7,000			
Contingencies, -	10,000	5,387	4,613	10,000	10,000
Totals, -	870,594	475,617	394,977	439,000	1,920,000

Mr. H. stated the amount of appropriations of 1834 for each object, as contained in the table, with the sums expended during the year, and compared the amount of expenditures with the appropriations proposed in 1835, and with those in the present bill, and commented on them in detail. The general result of which, he said, appeared to be, that of the appropriations of eight hundred and seventy thousand dollars made in 1834, four hundred and seventy-five thousand were expended during the year, and three hundred and ninety-four thousand remained unexpended; that for those objects in 1835, the Committee of Ways and Means and the House, after the delivery of the reprisal message, had thought it necessary to appropriate four hundred and thirty-nine thousand dollars; and that now, when all danger of a foreign war had ceased, an appropriation was demanded of $1,920,000. He also referred particularly to the appropriation for the fort at Throg's Neck, near New York. It appeared that one hundred thousand dollars had been appropriated for that fort in 1834, only thirteen thousand six hundred dollars of which had been expended during the year; and on the 1st of January last there still remained unexpended of that appropriation the sum of forty-seven thousand nine hundred and fifty-six dollars and sixty-two cents. In the face of this fact, that only about one half of an appropriation of one hundred thousand dollars could be expended in two years, the committee had recommended a further appropriation of two hundred thousand dollars for the same object! He considered this recommendation as highly extraordinary and extravagant, and he could not conceive on what possible ground it could be justified or excused. The whole bill was altogether unprecedented in amount, most of the individual appropriations unnecessarily and extravagantly large; and no man, he presumed, would seriously pretend there was any expectation that the money could, by any possibility, be expended during the year. In consequence of the demand for labor, occasioned by the prosecution of the immense works of internal improvement going on in all parts of the country, he believed it would now be found much more difficult to expend money profitably than in 1834, and that whatever might be the amount of the appropriations, the expenditures could not be greater than those of that year. The money might, doubtless, be wasted, but he wished to make no appropriations for such a purpose. He was willing to appropriate all that there was any reasonable probability of expending to advantage, and at that point he desired to stop.

Mr. H. said the appropriation of seven hundred thousand dollars for the armament of fortifications was, in his opinion, wholly unnecessary, unless it should be deemed expedient to erect a cannon foundry. In that case a portion of the sum might be retained for that object. It would be recollected that there was an appropriation of two hundred thousand dollars for the armament of fortifications included in the army bill. This was just double the amount which had been appropriated on previous years, and he could show, from the report of the Secretary of War, that it was all which he deemed necessary. Mr. H. then sent to the chair the report of the Secretary, from which the Clerk read a clause at page 23, stating that for the armament of fortifications the Government had now on hand 1,818 new cannon, and about 1,000 others of a useless or doubtful character. That the works actually finished, or so far completed as to admit of a part of their armament being placed in them, required about 2,000 guns. It appeared, then, (Mr. H. said,) that but 182 new cannon were now required, and it could not be doubted that the two hundred thousand dollars already appropriated was much more than sufficient to furnish them. This matter of the armament of fortifications had been much confused by the manner in which the estimates had been presented. Estimates for fortifications which were completed, for those in progress, and for those only in contemplation, had all been jumbled together in one mass, and the amount exhibited as an estimate of what was now required. He would not comment in detail on this mode of procedure. The general view of the Secretary was the correct view, and the one on which the House ought to act.

Mr. H. commented on the mode in which many of the estimates were furnished from the Departments. He protested against the doctrine that the mere *ipse dixit* of some under officer in the War Department, that such a sum was proper for such an object, without any of the whys and the wherefores, without the specification of any data whatever as the ground of his opinion, was here to be taken as evidence of the propriety of the appropriation. Those who doubted the necessity of any particular appropriation ought not to be required to prove a negative, to show that the appropriation was unnecessary. The chairman of the Committee of Ways and Means, whose peculiar business it was to communicate with the Departments, and to understand these matters, should be held to show affirmatively that the appropriations were proper, that the interests of the country required them, and that the money could be profitably expended. This was especially his duty when the appropriations, like those in the present bill, were so uncommon and extraordinary in amount. For himself, he had become tired of voting millions upon millions out of the public Treasury merely upon faith, and he hoped we should hereafter have reasons for all the extraordinary demands made upon it. He trusted the House would carefully examine this bill, and cut it down to some reasonable dimensions before passing it.

Mr. BOON rose and said that he had heard from a certain quarter much of self-praise from gentlemen who claimed for themselves the honor of being the only faithful "public sentinels" to watch the public Treasury, and to guard against what they are pleased to call a wasteful expenditure of the money of the dear "people." Sir, said Mr. B., all this may be well enough, and he would not dispute this point with gentlemen who might think proper to claim for themselves this honorable distinction. But he would say to these honorable gentlemen that there were two descriptions of "public sentinels." One description or character of "public sentinels," said Mr. B., are the advocates of high taxes being imposed upon the people for the purpose of enriching the public Treasury. The other description of "public sentinels" are those who guard the pockets and the purse of the people against the imposition of any higher or more tax than a sum sufficient only for a prudent and economical support of the Government under which we live. Sir, said Mr. B., I profess to belong to this latter description of "public sentinels," having been placed upon the public watchtower by a highly respectable and intelligent portion of the freemen of this nation. But we are told, Mr. Speaker, that some fifty or sixty millions of dollars over and above the wants of the Government have been drawn from the pockets of the people and locked up in the deposite banks, and that utter ruin to the country will follow, unless it should be speedily taken and distributed among the twenty-six States that now compose our Federal Union. Now, Mr. Speaker, if this vast sum of surplus revenue is really like to produce the evil complained of, I ask to what political party, and to which description of "public sentinels," should the blame attach? Surely not to the friends of this administration, for they have been the uniform advocates of reducing the taxes of the people to a standard of revenue sufficient only for the legitimate purposes of the Government. Sir, this has been, and still is, the policy advocated by this administration and its friends. While, on the other hand, a system of high taxes has been advocated by those who have stood opposed to this administration, any who now claim to be the only faithful "public sentinels" to guard with vigilance the money which they have been mainly instrumental in forcing from the pockets of the people by an unjust, and unequal, and oppressive "system" of taxation. I allude, Mr. Speaker, to your high tariff laws, and your public land laws. Sir, the day is not very far distant when the people, the working men of this country, will see where the shoe pinches, as well as feel it, and will, as sure as we now live, apply the proper remedy in due season.

Mr. B. said the people were ever ready to redress grievances which might be brought upon them by their public agents. The people, under the present state of affairs in our political history, would naturally be brought to inquire into the causes that have produced the evil at present complained of, and they will readily perceive that it has been produced by over-taxing the many, for the benefit of the few, and they will indignantly throw off the yoke of oppression by discarding from their service unfaithful public agents. Mr. B. said the people of this country would not be satisfied with the plan proposed for distributing the surplus revenue, for many good and valid reasons; one of which was, that the project, if adopted, would create an army of pensioned overseers—not pensioners for services rendered in their country's defence in times of war, but pensioners to disburse the money of the people, and to act as overseers over the working men of the country—who, to obtain one dollar, or even one cent, of the "spoils," would have to earn it by the sweat of their brow, by digging for it in the mud, and in ditches and swamps.

Mr. B. said the effect of this new "system" might be told in a very few words. The people are to be taxed, under the operation of the tariff laws and in the purchase of the public lands, with a view to raise a large surplus fund over and above the wants of the General Government, to be placed in the several State treasuries, to be applied to certain objects, under the direction of the State Legislatures; and while a portion of the people and the respective States may in some degree be benefited by the measure, there will be other portions, equally entitled to the benefit of the "spoils," that must and will, from the very nature of things, go wholly unprovided for out of this fund, so raised by a tax levied on the people at large. Who cannot perceive a state of things that must grow out of this new and (to say the least of it) doubtful policy? Why, I again ask, the necessity of over-taxing the people to raise a large surplus in the Treasury, to be scrambled for by Congress, and to be quarrelled over by the several State Legislatures? Sir, why not let the people's money stay in their own pockets, to be by themselves expended as they may think proper? Sir, the people are humbugged, and many of them are deceived in this matter. Sir, I go for lowering taxes, until the revenue shall be trimmed down to the Government standard. Let the issue be fairly made before the people, and there can be no earthly doubt as to their decision.

Sir, said Mr. B., the freemen of this country never will consent to yield to any "system" of taxation that will impose greater burdens upon the tax-paying community than what may be needed for the legitimate purposes of the Government. The people want no surplus in the Treasury above what may be necessary to meet any emergency that might happen in the event of a war with any foreign Power, or with the Indian tribes within our own borders. Above this, the pockets of the people are the safest repositories for their own money. Sir, I am opposed *in toto* to the project of raising any amount whatever of surplus revenue for distribution among the several States of this Union. Sir, the principle of high taxes is anti-republican, and will not be sanctioned by the people. The question should not be as to what shall be done with the surplus revenue, but it should be as to what shall be done to relieve the people from an unjust and oppressive system of taxation by the General Government.

The amendment pending was still further debated, being supported by Messrs. SUTHERLAND and ADAMS, and opposed by Messrs. BRIGGS and THOMPSON of South Carolina, when

Mr. MAURY moved that the House adjourn; which was agreed to: Ayes 75, noes 59.

And the House adjourned.

Thursday, June 16.

BREACH OF PRIVILEGE.

Mr. JUDSON, from the select committee on the subject, moved to take up and consider the report and resolutions of the standing committee appointed to inquire into an assault committed within the hall of the House of Representatives on Saturday last; which was agreed to.

The report was then read, and it concluded by recommending the adoption of the following resolutions:

1. *Resolved*, That Henry G. Wheeler has been guilty of a contempt and breach of the privileges of this House, by committing the said assault in the hall of the House of Representatives while the House was in session.

2. *Resolved*, That the said Henry G. Wheeler shall be excluded from any place on the floor, or elsewhere in the hall, as a stenographer, to take down the debates of this House.

3. *Resolved*, That the said Henry G. Wheeler be securely imprisoned by the Sergeant-at-arms of this House for the remainder of the session, and that the Speaker of this House do issue his warrant to carry into effect this resolution.

Mr. JUDSON moved that Mr. Wheeler be brought to the bar of the House.

Mr. HAWES said he wished to offer an amendment to the resolutions, which, if agreed to by the House, would supersede the necessity, which he could not see in any stage, of bringing the individual to the bar of the House.

Mr. JUDSON withdrew his motion, it having precedence, to enable Mr. HAWES to submit the following, as a substitute for the three resolutions.

Resolved, That Henry G. Wheeler be discharged from the custody of the officers of this House.

Mr. H. made a few remarks in support of his amendment, and in reference to the subject of privilege generally, and he questioned the power of the House to inflict punishment. He adverted to the report of the committee, and the testimony upon which that report was based, which testimony came from the frank and voluntary declarations of Mr. Wheeler himself. Mr. H. had no wish to be considered as encouraging any thing of this character. On the contrary, he deplored it, and regretted that it should have occurred; but they were not prepared, at that late period of the session, to go into an investigation of this character. The individual had himself offered the only testimony the House was in possession of, and he has expressed his sorrow at the occurrence, and that he had no design to offer an indignity to the House. What more, then, let him ask, could the members of that House require? The individual had been led away by his feelings, in a momentary and irrepressible impulse of passion; and, under these circumstances, Mr. H. was not prepared to visit him with any severity of punishment.

Mr. ADAMS hoped that the third resolution would be struck out, or that the gentleman from Kentucky [Mr. HAWES] would move his proposition as an amendment to that resolution only. The third resolution he considered went too far, and the amendment, as now proposed by the gentleman from Kentucky, not far enough. He thought the excluding this gentleman from the hall as a stenographer would be sufficient punishment for the breach he had committed. He would therefore vote for the first resolution, and for the second with some modification, and for the amendment of the gentleman from Kentucky, if offered as a substitute for the third.

After several suggestions from Messrs. MASON of Virginia, EVANS, and HAMER,

Mr. HAWES accordingly moved his amendment as a substitute for the third resolution.

On motion of Mr. HIESTER, Mr. Wheeler was then placed at the bar of the House.

The question being on the adoption of the first resolution,

Mr. VANDERPOEL said he would vote for the first resolution, for he had no doubt that the accused had been guilty of a breach of the privilege of this House; but as he had met the question fairly, and had expressed his regret at the occurrence, Mr. V. was not disposed to inflict very severe punishment. He would, when the second resolution came to be considered, move to amend it, so as to limit the exclusion of the accused from this hall to the present session of Congress. This he thought, under all the circumstances, would be a punishment adequate to the offence.

Mr. CRAIG suggested that counsel should be assigned to the accused, and that he be interrogated if he wish to say any thing.

Mr. CHAMBERS, of Kentucky, said he had consulted with Mr. Wheeler, who said he desired to add nothing to his statement given in to the committee and embraced in the report.

Mr. ROBERTSON then moved a substitute for all the resolutions, as follows:

Resolved, That Henry G. Wheeler be discharged from the custody of the Sergeant-at-arms, and that he be excluded from the hall for the residue of the present session.

Mr. HAMER and Mr. GRANGER suggested that the House pass on the first resolution, and that the gentleman from Virginia offer his resolution as a substitute for the second and third.

Mr. ROBERTSON then modified his resolution by inserting the words, "for an indignity offered to this House."

After some further remarks from Messrs. MASON of Virginia and HAMER,

Mr. ROBERTSON withdrew his amendment, so as to permit the question to be taken on the first resolution.

The first resolution was then agreed to.

Mr. JUDSON, chairman of the select committee, moved to amend the second resolution by inserting at the end the following: "during the continuance of the present session of Congress;" which was agreed to, and the resolution as amended was also agreed to.

The question being on the third resolution,

Mr. HAWES moved the following substitute.

"*Resolved*, That Henry G. Wheeler be discharged from the custody of the officers of this House."

Mr. JUDSON said it was due to the committee to state that, under the precedent of 1798, they felt bound to report this resolution; but he would also state that, from the very frank and honorable manner in which the accused had met the question before the committee, he himself had no objection to the amendment.

After some remarks from Mr. MANN of New York and Mr. HARDIN, the amendment was agreed to: Ayes 123, noes 31; and

The SPEAKER directed Mr. Wheeler to be immediately discharged from the custody of the Sergeant-at-arms.

LAND BILL.

The next business in order was the bill from the Senate, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States."

The following motions were pending:

By Mr. CARR, to refer it to the Committee on the Public Lands;

By Mr. GILLET, to the Committee of Ways and Means; and

The following amendment, moved by Mr. DENNY: "with instructions to either committee to which the bill should be referred, to report the same on Wednesday next, without amendment."

Mr. SPEIGHT remarked that, in order to try the sense of the House on this bill, he would move to lay it on the table.

Mr. WILLIAMS, of North Carolina, said as it was the object of the gentleman to try the sense of the House on this subject, he would move a call of the House for that purpose; and he made that motion accordingly.

The call was ordered, and proceeded in for some time, two hundred and two members having answered to their names; when,

On motion of Mr. WILLIAMS, of Kentucky, it was dispensed with.

Mr. GRENNELL then asked for the yeas and nays on the motion to lay the bill on the table; which were ordered.

Mr. WILLIAMS, of North Carolina, hoped the rule which compelled every member to vote in his place would be enforced in the present case; and he should move its enforcement wherever he saw it evaded.

The question was then taken, and decided in the negative: Yeas 96, nays 110, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Cambreleng, Casey, Chaney, Chapman, Chapin, Cleveland, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, W. K.

Fuller, Galbraith, J. Garland, Gillet, Grantland, Grayson, Griffin, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Hawes, Haynes, Howard, Huntington, Ingham, Jabez Jackson, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, J. W. Jones, B. Jones, Judson, Kilgore, Lansing, G. Lee, J. Lee, Leonard, Loyall, Lucas, Lyon, A. Mann, W. Mason, M. Mason, May, McKim, McLene, Moore, Muhlenberg, Owens, Page, Patterson, Patton, F. Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shinn, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Toucey, Vanderpoel, Ward, Wardwell, Webster, Weeks, T. T. Whittlesey—96.

Nays—Messrs. Adams, C. Allan, H. Allen, Anthony, Bailey, Bell, Bond, Borden, Briggs, Buchanan, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carr, Carter, J. Chambers, Childs, Nath. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickson, Evans, Everett, Forester, Fowler, French, Fry, P. C. Fuller, R. Garland, Granger, Graves, Grennell, H. Hall, Hard, Hardin, Harlan, Harper, S. S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Hopkins, Howell, Hubley, Hunt, Huntsman, Ingersoll, William Jackson, Janes, H. Johnson, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Logan, Love, Job Mann, S. Mason, Maury, McComas, McKay, McKennan, Mercer, Miller, Milligan, Montgomery, Morris, Parker, D. J. Pearce, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Robertson, Russell, Schenck, W. B. Shepard, A. H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, Wagener, Washington, White, E. Whittlesey, L. Williams, S. Williams, Wise—110.

So the House refused to lay the bill on the table.

Mr. KINNARD moved to modify the instructions to the Committee on the Public Lands, so as to provide for disposing of the public lands in limited parcels to actual settlers, at prices sufficient to reimburse the United States for the expense of acquiring, surveying, and selling said lands.

Mr. GARLAND, of Louisiana, sent to the Chair a motion to refer the bill to a select committee, with certain instructions, which he said he would move when in order.

Mr. BOULDIN then rose and spoke as follows:

Mr. Speaker: The whole question, then, at this time, is this: To what committee shall this bill be referred? It is of the utmost importance that it should be referred to the proper committee. I feel a desire to make a few remarks upon this bill, and shall make but few. I feel much interest in this subject, and my constituents, I am sure, feel much; the whole nation is alive to the importance of it--I mean the distribution of the public revenue, or rather, as it is generally called, the surplus revenue. Sir, I have heard it from all sides, and most emphatically said and reiterated from the school in politics to which the gentleman from Pennsylvania [Mr. Denny] is attached, (and he himself has often and over and again repeated,) that the surplus revenue of the United States is dangerous to the people—dangerous to the Government of the United States--hostile to the purity of our institutions; and that it ought not to be permitted thus to endanger all that is dear to us--ought not to be permitted to exist in sums so large.

A natural inquiry, an all-important inquiry, here arises: How came this great evil in existence? Who created it? What was it created for? I hear the same song ringing in my ears from morning till night, "the danger of the surplus revenue." I know it is dangerous to the people, for I see and know and feel its effects. But who, sir, created it? The very men who now seek most to alarm us with its fearful consequences. The very men who said and insisted that nothing could secure the prosperity of the people of the Union but the very measure that gave birth to this dreadful calamity that has befallen us, and without continual sustenance from which it would immediately languish away and perish, and pass out of existence. And, sir, who are they? Are they not the friends of this bill and of the American system? Who do its friends take pride in claiming as the father of both? Perhaps, however, Alexander Hamilton was the true father of the American system. But another distinguished gentleman claims that system as his offspring, and his friends do so likewise, and he feels for it the never-dying attachment of a father to his offspring. Who is the father of this land bill, if he is not? How often and how long have we all heard and talked of the American system and the land bill? To whom has universal reputation given it? Who sustained this very bill in another body lately with such ardor and eloquence as is seldom rivalled any where by any man, if it was not the father of the American system? Did not the bill, in its original state, contain a provision that this money, when distributed, should be spent by the States in internal improvements and schools? I cannot, from these and many other reasons, but feel an apprehension that there is a desire, by this means and others, among the friends of this American system, to revive and continue it in existence. I have, therefore, a great choice as to what committee shall take charge of the bill.

The gentleman from Ohio [Mr. Vinton] and the gentleman from Pennsylvania [Mr. Denny] seemed to agree in part, and disagree in part. The one thought this surplus produced most mischief in one way, and the other in another way; but both agreed that its effects are dreadful, and will be worse. Sir, I own the evil is great, and the remedy difficult and doubtful; but who produced it? What is the remedy? To whom shall we fly for relief? These are questions as natural as they are important. We have seen who produced it. Now, sir, shall we fly to the same quarter for relief? If it was brought on us by them without knowing the effects, it shows a want of forecast. If designedly, knowing at the same time the effects likely to be produced, then surely we must infer that they think they have a remedy. They were warned of the evil, and implored to desist from it. The answer was, that without this protecting system, this tributary duty system, this "American system," the country could not prosper.

Now the thing is done, and the money collected and in hand, and that in defiance of all who thought with us, who were opposed to it, of the injustice of the measure as well as of its fearful consequences, the very men who produced the evil are loudest in complaints against it and against the administration, and the opposers of the whole plan that produced it, because it is in existence. True, if the President had not, by his veto, put a stop or a check to the progress of expenditures for internal improvements by the Federal Government, we should have no surplus; but we should have had the tariff, the internal improvement, and the bank, in all their strength. If, then, we raise the money and distribute it among the States, and by that means carry on the American system in a new way, what would be the difference? Simply this: we should have to pay for collecting and distributing (instead of collecting only) this surplus revenue. This would be the whole difference in effect, and so increase the tariff to that extent.

I prefer to intrust the care of this evil to those who were against the creation of it, and are opposed to the continuance of it. The father and all the most devoted friends of the bill were friendly to the creation of this surplus, and friendly to all the measures that are calculated to supply the fountain from which it must continue to be fed, if fed at all.

The gentleman from Pennsylvania [Mr. Denny] said the bill ought to go into the hands of those who had no feeling on the subject. Then, sir, it would go where I would be more willing than he would to see it go. It would go out of this House, for there is nobody here that has no feeling about it. Who here has no feeling on the subject? What committee of this House has none? Did the gentleman himself display no feeling about it? I am free to admit, sir, that I have a great deal of feeling on the subject, and so has the whole nation. Yet, if we should now be brought to the point of the bayonet about the distribution of it, as we were on account of the gathering of it, and the Union at hazard, and the whole nation in a ferment, it is then that a certain gentleman, who has the reputation of being the father of this project, as he was of the other, after having raised such a degree of heat that it would again seem as if the Union itself would be dissolved, may perhaps again interpose and arrest the consequences, and again obtain the credit of making peace, after having had awarded to him that of causing the war. Sir, I am unwilling to intrust this particular subject to any man, or the supporters of any man, who raised the money at the hazard of the dissolution of the Union, to be distributed back among the States for purposes of internal improvement, or upon charity.

I am anxious not to send it into the channel into which the friends of the American system wish to send it, for the very reasons that have been urged for doing so. I do not know as yet what I may think the best to be done with the money; but I do know that I wish the American system defeated. I know it has been said often that this administration have done nothing that the South had expected from it; that the President was and is an internal improvement man, a tariff man, and a bank man. I care but little for charges, and not much more for abstract opinions; but I have great reliance upon actions, especially if long persevered in, and under difficulties. Sir, the present Chief Magistrate is the first President, from the foundation of the Government, that has ventured to advise or hint the least abatement of this protective system, as far as my recollection extends. While he is advising, message after message, that it should be reduced, I find the internal improvement system suddenly arrested, the tariff brought to a stand, and afterwards reduced, and a recharter of the Bank of the United States refused. What did the South desire of him more than to put down the bank, the internal improvement system, and protecting duty system, commonly called tariff; in short, the American system?

But it has been said, sir, though checked or put down during this administration, it has not contributed to do it; that the President and a majority in Congress are in favor of them all. Heaven protect me from being a favorite, if this is the fate of favorites. But I will go into no argument in answer to this charge, further than merely to refer to a declaration made by the father of the system himself. Alluding to the President of the United States, and the Governor of Pennsylvania, during the panic session, he said: "Internal improvement dead at his feet, (the President's;) Bank of the United States prostrate under his conquering hand; tariff just not annihilated: and this is the man that Pennsylvania delights to honor."

Now, sir, who ought to know, who does know, better than that gentleman, who has inflicted this cruelty to his own offspring? Sir, it is, for the most part, the first love that sticks. His heart was early fixed on this system, and that attachment can only be extinguished with life. I grant it ardent—I am sure it is sincere; and I think it folly to expect it to give way now. Would attachment thus indelible, judgment so profound, acumen so penetrating, research so unwearied, as will be accorded by all to the father of the American system, likely mistake the friends for the foes of the apple of his eye? I think not. I cannot but believe that he knew the President had been chiefly instrumental in putting down this system—a system which is hideous to the eyes and hateful to the feelings of many of the South, who, with myself, have suffered long and painfully under it. I cannot but recognise this bill as a renewal of the system—a scheme to get a hold on the States to induce them to commence internal improvements on their own account, looking to Congress for the money. Suppose them, then, half finished; what would be the natural consequence? Would not the States be tempted to submit to a high tariff to finish them? It is in vain to say that States cannot be tempted. "Lead us not into temptation" will apply as well to States as to men. How many men of the boldest spirits have been thus tempted by the miser, brought into his snares, and thus become his slaves? Sir, is not this the evident effect, if not the object, of the bill under consideration?

I am willing to have the advice of an intelligent committee, for I am in doubt what is the best thing to be done with this money. I understand that this House is divided into two parties on the object of this bill. One in favor of high duties or taxes—protecting duties—the American system; and the other against it. I do not wish the bill to go into the hands of the friends of this system. I wish it to go into the hands of those who were, and are, and will be, opposed to the renewal of it. Is there such a committee in this House? If there be, I wish it referred to that committee. Sir, I am not very well acquainted with the rules, and orders, and committees, and parties, of this House. I know much better where I do not wish the bill to go, than where I do want it to go.

If there be a committee who thought that the whole supposed sixty millions of surplus ought to have remained in the United States Bank, with a capital of not much more than half that amount, while the amount of surplus is constantly accumulating—who thought the Bank of the United States had a mortgage on our surplus fund as long as the bank continued, or as long as they were good, in consideration of $1,500,000 to be paid by instalments—I do not wish it to go to that committee.

By the way, Mr. Speaker, what a strange contract this must have been. If we applied while the charter remained, and they were good for the money, we could not get it; if when they were good for nothing, whether the charter had expired or not, we could not get it. Though pushed for money to such a degree as to be obliged to execute such a mortgage as this, still we have had, from the execution of the mortgage, more than the sum obtained, or rather promised, deposited without interest with them.

They proposed that Congress should grant them exclusive privileges, and offered to pay for them. After chaffering, it was agreed that for so much money to be paid by instalment, and for service to be rendered by them to the United States—to wit: that they would hold their revenues in their banks, and pay the money out when it was required—the charter was granted; and to enable the bank to pay according to their contract, the Secretary of the Treasury was directed to pay the revenues into their banks, in order that they might be able to execute this part of their contract. If the Secretary at any time thought proper to place it elsewhere, he was authorized to do so, as he had always been before. Of course, if the money was not paid into the bank, they had no risk of holding, or trouble in paying out. They whipped this around into a mortgage on our surplus funds, and it seems to me an attempt was made to dragoon a gallant nation into submission to this monstrous pretension. And, sir, what is the surplus revenue? It must be the balance in the Treasury after an economical administration of the Government. If a man buy or obtain a mortgage on an interest in an estate, he has the right to superintend the executor, and see that he run into no unnecessary expenses. If the bank had such a mortgage as the one supposed, she had a right to superintend all our disbursements of money, and keep us within economical bounds. God grant that any thing could keep us within the bounds of economy. But had we the right to reduce the tariff, and thus the surplus, to which, by this view of the subject, the bank was entitled by purchase or mortgage, while they had this lien on us? Had I ever believed that such a bargain had been constitutionally made, I would have held the nation bound to carry it into effect. But I never believed it. If there be any committee who thought so, or, thinking so, thought it ought to be renewed and rechartered, I do not wish this bill to go to that committee. I view them all, bank, internal improvement by the Federal Government, and tariff, to be the American system. You make no internal improvement without money; and you cannot get money without some place to go to for it. True, the tariff brings it, but you must have a place to put it. The Government dues you can pay away; but you must hoard up when you go for the great improvements, or go in debt. Whether there be any necessary connexion or not, there is great intimacy among the friends of each. There are some who are against the Bank of the United States, but would ransack heaven and earth for arguments, if they could find them, to prove that we cannot live without it; that the public money is safe nowhere else.

Sir, if there be a committee who a short time since told us, in substance, that but for the mercy of the French, and the good behaviour of a certain other honorable body not far off, we should have been utterly destroyed, our whole Atlantic coast set on flames, and who now, fearing that this surplus, or a part of it, should be spent in fortifying the country, now tell us that we have whipped the British, who had been too strong for the world—who say we are double as strong in numbers, and four-fold in money and fortifications, and what do we want with fortifications—I do not wish this bill to go to that committee.

While all was tranquillity at home and peace abroad, high prices for every article, the fruit of industry bore a fair price, and health and prosperity prevailed through the land, still there were many who were not happy—who foretold evil to come, and even at hand. Now that we have war, the cry is the same. While we had no money, but were in debt, the cry was the same; and now we have money beforehand, the cry is still the same; and at last, this direful evil of having more money than we know what to do with has come upon us. I would compare these evil prophets to the Rain Crow. His mate happens to be on her nest, setting for weeks to bring her young into life, in the most rainy season of the year. Lonely and dissatisfied, he keeps an unwearied complaint, while his mate sits silent and patient in her nest. Rain comes plentifully during this season, and he is denominated the Rain Crow, without his knowing or caring any thing about the rain. So these prophets who prophesy evil, and only evil, must at last prove true prophets. It is certain, I suppose, that some of them at least know the time and the means of raising this money, but expected it to be laid out, long before collected, in internal improvements. So that as to the evil of having accumulated this vast sum, they were as ignorant, and perhaps more ignorant, than those who are opposed to internal improvement by the Federal Government. The evil, however, has come upon us, and I acknowledge it to be great, the remedy difficult, and success doubtful. I am anxious to hear the advice of some appropriate committee.

There is a remedy which I have not ventured even seriously to think of putting to practice, much less to hint to you before. But, sir, suppose that committee, in their wisdom and patriotism, in order to put a check or a stop to the dreadful and growing evil, should suggest to this House the propriety of reducing the taxes to the wants of the Government, what would you think of it? Who would, or could, or ought to complain of it? Would it be a class of people loud in complaints and brilliant in imagination, to magnify the evil of the surplus, and prompt to foretell the utter ruin of us all, should this surplus continue to accumulate? who would tell you that the evil might be thus remedied, and the balance of the nation saved, but their manufactures destroyed? The balance of the nation would be saved, but they would have to give something more for land, if they wished to purchase, should the sale of the public lands be stopped.

Mr. Speaker, though this seems to be a remedy so natural, simple, and certain, I am afraid almost even to hint or to hope that any committee will so report, lest I should be told of breach of compromise, breach of faith. Sir, I do not wish to render myself liable to such a charge by any suggestion. But if any class have such a hold on our faith, are they Shylocks? Will they insist on the pound of flesh? Will they do worse? Will they destroy themselves and us to have their contract literally executed? I can hardly think there is such an one in existence; but if there be, let faith be kept, though we all perish.

Mr. Speaker, I am under the perfect conviction, that as the levying these duties so far exceeded the wants of the Government, to favor a few at the expense of the many, had well nigh involved us in civil war, so the distribution of sums so large must threaten the purity of the public functionaries, and corrupt all the channels of virtue and information to the people, and cause our simple republican institutions to totter on their foundations.

Mr. Speaker, sums as large as these cannot be safe any where, either in regard to themselves, (looking only to their own security,) or in regard to the purity of those who may be tempted by them. Sir, is there any thing in the tariff compromise which will justify us to go on taxing the people, when the very sums collected will hazard the peace and security of the Union, and endanger every thing that can be dear to freemen?

[Mr. Bouldin's remarks were not concluded when the orders of the day again arrived, and he was prevented from bringing them to a close.]

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. **CAMBRELENG**, proceeded to the consideration of the "bill making appropriations for certain fortifications for the year 1836." The bill was reported from the Committee of the Whole, with sundry amendments, and the question was on concurring in these amendments.

The amendment pending was the following:

"For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000," increased by the Committee of the Whole to "$200,000."

The question was then taken on the amendment, and it was non-concurred in: Yeas 85, nays 88.

Mr. **STORER** then rose, and moved a reconsideration of the vote; and, in reply to Mr. Graves, stated that he made the motion at the request of a gentleman behind him, [Mr. Pinckney,] than whom a purer-minded man did not breathe. He himself, however, should again vote against the amendment.

Mr. **CUSHMAN** asked for the yeas and nays; which were ordered.

Mr. **EVANS** moved to lay the motion to reconsider on the table, and thereon

Mr. **CUSHMAN** asked for the yeas and nays; but the House refused to order them.

Mr. **EVANS** withdrew the motion to lay on the table.

After a few remarks from Messrs. **MERCER, GRAVES, STORER,** and **LANE,** the question was taken, and decided in the negative: Yeas 90, nays 103.

The following amendment of the Committee of the Whole was then taken up:

Strike out of the bill the following clause:

"For incidental expenses attending repairs of new and old fortifications, and for the purchase of new sites, and the enlargement of old ones, at such places as the public service may require on the seaboard of the United States, $200,000," and insert "for incidental expenses attending repairs of fortifications, and for the purchase of additional land in their neighborhood, $200,000."

Mr. **THOMSON,** of Ohio, proposed further to amend by inserting an appropriation to compromise and secure to the United States the title to the Pea Patch Island, in the river Delaware.

The **CHAIR** ruled the proposed amendment to be out of order, on the ground that its provisions were the same as were embraced in a bill then on the table.

RECESS.

Mr. **SPEIGHT** said he would make a motion that he believed would meet the concurrence of a large majority of the House. He moved a suspension of the rules for the purpose of taking a recess at some hour that day and thereafter. Agreed to, by a vote of 111 to 50.

Mr. **SPEIGHT** then moved a resolution that the House take a recess from half past 2 o'clock P. M. till 4 o'clock on this day, and on each succeeding day during the present session of Congress.

After some suggestions and amendments proposed by Messrs. **HIESTER, MANN** of New York, and **MASON** of Virginia, the original resolution was agreed to: Yeas 114, nays not counted.

Mr. **CAMBRELENG** then sent to the Clerk's table a document from the engineer department, explanatory of the amendment.

Mr. **HARD** moved to reduce the sum in the amendment to $100,000.

Mr. H. was proceeding to address the House on the subject, when his remarks were arrested by the arrival of the time for the House to take its recess.

Evening Session.

Mr. **HARD** concluded his remarks in support of his proposition to reduce the appropriation one half; and the debate was continued by Mr. **PARKER**; when

Mr. **HAWES** said, as the Senate had passed a bill for the distribution of the public moneys by a vote of 40 to 6, all the moneys which could be saved from these extraordinary appropriations would add to the amount of the distribution. He therefore moved the previons question.

The question on the second to the previous question was taken by tellers, and negatived, only 38 voting in the affirmative.

The debate was then further continued by Messrs. **HALL** of Vermont, **UNDERWOOD, CALHOUN** of Massachusetts, **BRIGGS, LAWRENCE, CAMBRELENG, McKIM, GRAVES, McKAY,** and **WHITTLESEY** of Ohio.

Mr. **HALL,** of Vermont, called for the yeas and nays; which were ordered, and were: Yeas 96, nays 88.

So the amendment to the amendment of the Committee of the Whole was decided in the affirmative.

The question then recurred on the motion to strike out and insert.

Mr. **ROBERTSON** moved to strike out the following words: "and for the purchase of additional land in their neighborhood." He stated that he made the motion because the principle of authorizing executive officers to purchase land was a novel and highly objectionable one; and it would be easy at any time, when land was required for such a purpose, to make an application to Congress.

Mr. **CAMBRELENG** briefly replied to the gentleman from Virginia, and defended the propriety of the appropriations proposed in this bill for the defence of the country. The measures embraced in it were admitted on all sides to be indispensable. These appropriations were now resisted, because the surplus for distribution should not be diminished; and in two years from this time the gentlemen from the Sonth and West would find their constituents called upon for increased taxation. All he desired was to save a comparatively small amount for the necessary defences of the country; and he went on to show that the whole extraordinary appropriations would not amount to more than $2,000,000 during the present session, while gentlemen said there was a surplus of something like $50,000,000.

Mr. **HARDIN** contended that if the House had passed all the extraordinary appropriations proposed this session, they would have exceeded $10,000,000. The argument of the gentleman from New York, that if a certain measure were passed the people would in two years be called upon for an increase of taxes, was a mere speculation, in which Mr. H. put no faith. The population was on the increase, and the reduction of duties would produce greater consumption, and consequently supersede the necessity of any increase of taxes. Mr. H. said he would make a motion he had, he believed, hardly ever made in his life before, though he had been twenty years in legislative bodies; he would move that the House adjourn.

Mr. **CAMBRELENG** called for the yeas and nays; whereupon

Mr. **HARDIN** withdrew his motion.

Mr. **MASON,** of Virginia, said a few words in opposition to the amendment of his colleague.

Mr. **McKAY** drew the attention of the gentleman from Virginia [Mr. Robertson] to the fact, that up to 1820 the Government invariably purchased land, without any special provision or appropriation for the purpose.

Mr. **ROBERTSON** replied that the gentleman from North Carolina had produced a very bad precedent, which it seemed the Committee of Ways and Means were about to re-establish.

After a few words from Mr. **WISE,** the amendment was rejected.

The amendment of the committee, as amended by the House, was then concurred in.

The following amendment of the Committee of the Whole was then propounded:

"For the armament of fortifications, in addition to the amount included in the bill making appropriations for the support of the army for 1836, seven hundred thousand dollars: *Provided,* That the President of the United States be, and he is hereby, authorized to expend so much of the said sum as may be necessary therefor, in establishing a national foundry, at such place as he may deem expedient."

Mr. **CAMBRELENG** proposed the following amendment, to come in after "1836:"

"Including cannon, mortars, howitzers, gun carriages, howitzer carriages, mortar beds, powder, cannon balls, shells, and for transportation of ordnance and ordnance stores; and in the purchase of twenty acres of land, adjoining the Kennebec arsenal, Maine; and the purchase of land, and enclosing the rear of the public ground with a brick wall and coping, at the Frankford arsenal, Pennsylvania; and constructing a forging shop, one story high, 75 by 40 feet, of brick, at the arsenal, Watertown, Massachusetts; and for the purchase of a steam engine of eight-horse power, and for quarters for officers, at Fort Monroe arsenal."

Mr. C. explained that the effect of the amendment, if adopted, would be to diminish the appropriation embraced in the amendment to $450,000. If the House should reject this amendment, he should then move to reduce the original amendment from $700,000 to $450,000.

After some remarks from Messrs. **BRIGGS, DENNY, MERCER, CAMBRELENG**, and **BOND**,

Mr. **HUNTSMAN** moved that the House adjourn.

Mr. **CAMBRELENG** asked for the yeas and nays, but the House refused to order them.

And the motion to adjourn prevailed: Ayes 76, noes 75.

So the House adjourned.

Friday, June 17.

FORTIFICATION BILL.

Mr. **WHITTLESEY**, of Ohio, moved a suspension of the rules for this day, for the purpose of proceeding with the consideration of the "fortification bill," expressing a hope that it would be brought to a conclusion as soon as possible.

Mr. **CAMBRELENG** remarked that he had given notice of his intention to move to take up the "deposite bill" this day; but, under the expectation that the "fortification bill" would be finished to-day, he would not press the other motion, but hoped the House would concur in that made by the gentleman from Ohio.

The motion was agreed to without a count.

Mr. **CAMBRELENG** then withdrew for the present the amendment offered by him last evening, giving notice that he should move it when the amendments of the Committee of the Whole had been gone through with.

The question accordingly recurred on the amendment reported to the House, appropriating $700,000 for the armament of fortifications, (given at length above.)

Mr. **BOND** concluded his remarks in opposition to the amendment.

Mr. **DROMGOOLE** moved to amend the amendment by striking out all after the word "therefor," and inserting "that there shall be set apart, from the appropriation contained in the amendment, a sum not exceeding $75,000, for the establishment of a national foundry at the city of Washington; and an additional sum of $10,000 for the purchase of adjoining land and water power from the Chesapeake and Ohio Canal Company."

Mr. **MERCER** made some remarks in favor of the establishment of a national foundry, but he did not consider the sum proposed by this amendment sufficient. He was favorable to having all our ordnance manufactured in a foundry of the Government, as he considered the work would be much better executed by this means than by private contract.

Mr. **DROMGOOLE** adverted to the report of the Committee on Military Affairs. He said that committee was favorable to the purchase of the foundry already established within the District of Columbia, if such purchase could be effected. By this purchase the Government would at once be enabled to go on in the manufacture of ordnance, as all the materials would be ready to commence operations. Mr. D. said the sum proposed by his amendment was sufficient for the purchase of this foundry, and he thought it would be the better plan to try the experiment on a small scale than to build up a great foundry for the purpose of manufacturing all the ordnance which the Government might need.

Mr. **A. H. SHEPPERD** made a point of order, whether the gentleman from Virginia could move an amendment to this bill when the same proposition was contained in a bill now before the House.

The **CHAIR** decided the amendment to be in order.

Mr. **BRIGGS** appealed from the decision of the Chair.

After a few remarks on the point of order by Messrs. **DROMGOOLE, BRIGGS, MASON** of Virginia, **WISE**, and **A. H. SHEPPERD**,

Mr. **SPEIGHT** (the Speaker pro tem.) remarked, that whenever he had the honor to occupy the chair, as he now did from the indisposition of the Speaker, he should discharge the duties of the station, and particularly on points of order, with the utmost caution and deliberation. It is true, as had been stated, that no amendment can be entertained to a bill under consideration, of the same nature of another bill or proposition pending before the House; yet it was nevertheless true that amendments had been and could be entertained, which were substantially the same as bills before the House. In this particular case, it is true that a bill is pending of a kindred nature to the amendment offered by the gentleman from Virginia; but there is a manifest difference between them, both in form and substance. The amendment is of a general nature, clothing the President with plenary powers; but the bill No. 628, to which reference had been made, was particularly directed to a specific object. Upon a view of the whole case, he felt no hesitation in saying that the amendment was perfectly in order, and, as such, he should entertain it.

Mr. **BRIGGS** then withdrew the appeal, and

Mr. **HAWES** renewed it; when the point was further discussed by Messrs. **R. M. JOHNSON, WARD**, and **SMITH**; when

Mr. **HAMER** moved the previous question on the appeal; which was seconded: Ayes 90, noes not counted; and the main question, being ordered, was put, and decided in the affirmative: Ayes 69, noes 51.

So the decision of the Chair was affirmed.

Mr. **DENNY** was opposed to the amendment, and also opposed to the erection of a great national foundry. These great works might be necessary in Europe, but he conceived they were not needed in this country. If gentlemen would refer to the report of the Secretary of War, they would see that in three years a great national foundry would manufacture sufficient ordnance for all the fortifications; and when that was done, the foundry would be of no further use to the country, or but very trifling. Another inconvenience also arose from the fact, that if this amendment should prevail, it would be two years, at least, before the national foundry would be in such a state of completion as to be of any service in the casting of ordnance. On these points Mr. D. dwelt at some length, and quoted largely from the documents of the War Department.

Mr. **REED** believed the District was the best situation for the erection of a foundry, and he preferred leaving the selection of the site to the President. He had no distrust of him on that subject. It was true that up to this time our cannon had been cast by private contract, but that offered no reason why the same plan should be continued. Certainly the contractors could have no reason to complain, since they had long enjoyed a very profitable monopoly.

Mr. **WISE** was at a loss to perceive any objection to the construction of a national foundry, for it had been earnestly recommended by the Secretary of War, whose opinion was corroborated by some of the ablest of our officers and engineers, and it was approved of by the Military Committee of that House. The next question was, where was the best site? Two committees had had the subject under consideration, and the District of Columbia was recommended as presenting the best locality, for the quality of the ore in the vicinity, for the advantages of water power, for the facilities of transportation, and as being near the seat of the General Government, over any other section of the country. Mr. W. quoted at some length from the report which gave the reasons at length in favor of the District.

The third question was, what kind of a foundry was wanted? This was answered in the reply of Captain Thomas Ap C. Jones to the interrogatory of the committee. A cheap foundry, on a small scale, for purposes of experiment. Mr. W. adverted to the fact that the metal at Pittsburg was not equal to that in the vicinity of the District. At the former the failures were numerous, egregiously so; while in the District they varied only from one to two per cent.; that is, no more than one or two guns out of a hundred failed to stand the test.

Mr. HIESTER made an earnest appeal to the House, particularly to members of the opposition, not to speak or make long speeches, but to vote. There were but few days remaining of the session, and he did hope that, after the long and protracted debates that had already occupied the session, they would now begin to vote.

Mr. McKAY suggested a modification of the amendment, so as to leave it entirely discretionary with the President, and not to restrict the Executive to the purchase of General Mason's foundry, but limiting the sum to be expended for the purpose to $75,000. He could not vote for the amendment, because by it the Executive would be restricted to the purchase of General Mason's foundry, which he was satisfied was not worth the sum asked, (viz: $75,000,) by $25,000. He should vote against it, and move one to the effect he had indicated.

Mr. DICKERSON referred to the report of the Secretary of War, by which it was seen that that officer was limited in his inquiries to the District of Columbia, and he neither did nor had authority to extend his researches further.

Mr. THOMSON, of Ohio, gave a detailed statement of what had taken place before the Military Committee, in relation to this subject. Mr. T. was a member of the sub-committee which had made an examination of the site of General Mason's foundry, and he considered it a most advantageous one. Beside this, there was every kind of machinery connected with the establishment for the casting and manufacture of ordnance.

Mr. LANE said he had risen for the purpose of calling the attention of the House to one or two facts in relation to the bill under consideration, and the unfinished business upon the Speaker's table. The day of adjournment has been fixed. The hours of the session are numbered. Are gentlemen aware of the shortness of time allotted for the action of this House upon the immense business before it, and the importance of many of those bills to the nation, and more especially to the West? And, sir, what are we doing, and what have we done for the last two days? On yesterday morning the House commenced at the 37th line of the bill; we are now at the close of the second day, and we have arrived at the 51st line, having passed over fourteen lines in two days. Seventy-one lines of the bill remain to be considered, which, at the same rate of speed, will require one day beyond that of adjournment. Yet, sir, are honorable gentlemen engaged in idle and useless debate, as if it was the first week of a long session.

The people expect action, voting, not idle debate, having no reference to the subject-matter before the House. The nation demand it; our own reputations require it. And, Mr. L. said, he would advise the friends of the bill to vote, and not talk, if they intended to pass this bill. Should they not profit by this advice, necessity and duty will call upon a majority of this House to lay this bill upon the table, that others equally important may come in for a share of the time of the House; and if no other member shall be found to make that motion, Mr. L. said he would make it himself. The interior and the far West have rights as well as the seaboard; and, as one of the representatives of the West, he should be wanting in his duty, should he sit silent and suffer such a wanton consumption of the time of the House and the people of the nation.

Mr. SMITH asked for the yeas and nays; which were ordered; and the question being then taken, was decided in the negative: Yeas 27, nays 159.

So the amendment to the amendment was not agreed to.

The House then, according to the order adopted on yesterday, took a recess from half past 2 to 4 o'clock, P. M.

EVENING SESSION.

FORTIFICATION BILL.

The following amendment being pending,

"For the armament of fortifications, in addition to the amount included in the bill making appropriations for the support of the army for one thousand eight hundred and thirty-six, seven hundred thousand dollars: *Provided,* That the President of the United States be, and he is hereby, authorized to expend so much of the said sum as may be necessary therefor in establishing a national foundry, at such place as he may deem expedient"—

Mr. GRANGER moved to reduce the sum of $700,000 to $400,000, on the ground that this was as much as could possibly be expended for the object contemplated between this and the 4th of March. Mr. G. also moved to strike out the proviso, and called for the yeas and nays; which were ordered.

Mr. CAMBRELENG said he had himself intended to move to reduce the item to the sum embraced in his colleague's motion, if the proviso were stricken out; and he had distinctly stated that fact to the House on yesterday.

After some further remarks from Messrs. CAMBRELENG, MERCER, CHAMBERS of Pennsylvania, GRAVES, CUSHING, and PEARCE of Rhode Island,

Mr. GRANGER modified his motion by proposing to strike out the proviso first; which motion was agreed to without a count.

Mr. GRANGER then renewed his motion to reduce the appropriation to $400,000; and the call for the yeas and nays being withdrawn,

Mr. CAMBRELENG said he was in favor of this motion, for reasons before given; and it was substantially his own amendment. It was agreed to without a count.

The question then recurring on the amendment as amended,

Mr. CAMBRELENG renewed the following amendment, offered by him on yesterday, to come in after "1836:"

"Including cannon, mortars, howitzers, gun carriages, howitzer carriages, mortar beds, powder, cannon balls, shells, and for transportation of ordnance and ordnance stores; and in the purchase of twenty acres of land adjoining the Kennebec arsenal, Maine; and the purchase of land, and enclosing the rear of the public ground with a brick wall and coping, at the Frankford arsenal, Pennsylvania; and constructing a forging shop, one story high, seventy-five by forty feet, of brick, at the arsenal, Watertown, Massachusetts; and for the purchase of a steam engine of eight-horse power, and for quarters for officers, at Fort Monroe arsenal."

This amendment was agreed to.

Mr. CARTER offered the following amendment to the amendment; which was disagreed to:

"And that the Secretary of War is hereby required to cause an examination to be made, by some competent person, of the foundries in East Tennessee; also, the quality of the iron for cannon and small arms; and cause a report to be made to Congress at the next session, or as early as practicable, of the facts; and also his views as to the propriety and practicability of procuring cannon from that part of the country, for the armament of our forts and fortifications, and naval service. The amount of the expense attending such examination to be paid out of this sum."

The amendment of the Committee of the Whole, as amended, was then concurred in.

The following amendment was concurred in without a division:

"For Fort McHenry, Redoubt Wood, and Covington Battery, near Baltimore, fifty thousand dollars."

Mr. **HAWES** moved to reduce the following amendment:

"For Fort Monroe, two hundred and ten thousand dollars," to $15,000; agreed to: Ayes 65, noes 63; and the amendment as amended was agreed to.

Mr. **McKAY** moved to amend the following:

"For fortifications at St. Augustine, Florida, fifty thousand dollars," by striking out the first two words, and inserting "For the repair of Fort St. Mary, and the sea wall at;" which was agreed to, and the whole amendment concurred in.

The following was concurred in without a division:

"For knapsacks and camp equipage authorized by the act approved the nineteenth of March, one thousand eight hundred and thirty-six, for volunteers of militia, fifty-two thousand seven hundred and five dollars."

The following amendment being propounded from the Chair:

"For accoutrements for the army, one hundred and two thousand three hundred and five dollars"—

Mr. **GRANGER** made some inquiries in relation to the items of which this clause was made up.

Mr. **CAMBRELENG** sent a document in explanation to the Clerk's table; which was read.

Mr. **GRANGER** said he was satisfied.

Mr. **DUNLAP** moved to add the following: "and that $50,000 of said appropriation be appropriated to the erection of a public depot for arms at Memphis, Tennessee." Lost; and the amendment of the committee was concurred in.

The following amendment being propounded:

"For a depot for munitions of war in the Territory of Arkansas, forty-two thousand two hundred and fifty-six dollars"—

Mr. **McKAY** thought it had been improperly introduced in this bill, inasmuch as it was for a new work, and had not undergone the examination of the Committee on Military Affairs.

Mr. **ASHLEY** spoke to the following effect: He said the objections urged by the gentleman from North Carolina were not, in his opinion, well founded; and it would, no doubt, so appear to every gentleman of the House, on referring to a map of the country, showing the relative situation of Memphis to the quarter from whence danger was expected, and against which the depot was intended. The necessary arms and munitions of war for the defence of that portion of the frontier ought to be placed high up the Arkansas, not further east than Little Rock, and he should vote accordingly. Mr. A. reminded the House that Missouri was in the same situation of Arkansas, as regards danger on the Western frontier. A bill was then in possession of the House providing for a depot at some convenient point on the Missouri river; but as there was much business before the House, that bill might not be reached on the calendar; he proposed, therefore to amend the motion of the gentleman from Tennessee so as to provide for the depot in Missouri in the bill then under consideration. It being an appropriation bill, would, without doubt, command the consideration of both Houses of Congress. Mr. A. said it was highly proper to provide all the necessary means to be used in defending the frontier, and place them at convenient points, where they could be used on the first appearance of hostilities. He was not in favor of sending to Washington for instructions, or three or four hundred miles for arms and munitions of war, after an attack had been made on the frontier inhabitants, before the enemy could be met. He wished the necessary provisions made to enable the militia of the States and Territories most exposed to strike at once, in the event of a war, with such regular troops as may be at hand, and, in place of addressing the Secretary of War on the subject of supplies, &c., for carrying on the war, to inform that officer of the enemy's having been repulsed and defeated. He was not disposed to boast of the militia of Missouri, but he would venture to say they would do their duty in the event of war in that quarter, and he wished them to have the means of doing so effectually.

He (Mr. A.) had proposed, some days ago, that cannon, &c., for two companies of light artillery should be placed at the disposal of the Governor of Missouri; the proposition was referred to the Committee on Military Affairs, before whom, on an invitation from the chairman, he (Mr. A.) had appeared, and given, as he thought, good reasons for the adoption of the measure; but although the committee determined to report favorably, they also proposed to extend the law to all the States, which Mr. A. thought was treating the proposition not as it deserved, as many of the States wanted no such provision, and in that shape the final action of Congress on the subject might be prolonged. Two good companies of light artillery, well equipped, might, in some situations, do more towards defending the frontier than two thousand men otherwise armed.

Mr. **DUNLAP** then received Mr. A's proposition as a modification of his amendment; and the bill was so amended as to provide for three depots of arms and munitions of war: one in Arkansas, one in Missouri, and one at Memphis, in Tennessee.

After a few remarks from Messrs. **ASHLEY** and **MERCER**,

Mr. **DUNLAP** moved to amend the amendment, by inserting, after the word "Arkansas," "and for a depot for munitions of war in the town of Memphis, in the State of Tennessee," $42,256.

After some remarks from Messrs. **SPEIGHT**, **ASHLEY**, **RIPLEY**, **CAMBRELENG**, **McKAY**, **LINCOLN**, and **HARPER**,

Mr. **McKAY** suggested a modification, as follows: "For the purchase of sites and the establishment of depots and arsenals in the States of Arkansas, at Memphis, Tennessee, and Missouri;" which was agreed to.

Mr. **McKAY** moved a proviso, that the expense of these works should not exceed $25,000 each.

Mr. **MERCER** suggested $14,000, for he said he knew the fact that the arsenals in Virginia had not cost more than that.

Mr. **McKAY** so modified his amendment, and it was agreed to; and the amendment as amended was concurred in.

The following amendment was concurred in without a division:

"For the purchase of twenty-eight fire engines and the necessary apparatus, twenty-two thousand four hundred dollars."

The following amendments of the Committee of the Whole were severally concurred in without a division;

"For store-houses at Newport, Kentucky, one thousand five hundred dollars."

"For purchasing seven acres of land, including the site of the powder magazine attached to the arsenal at St. Louis, Missouri, provided the same shall be ascertained not to be on land of the United States, two thousand one hundred dollars."

"For erecting a piazza in front of the building occupied as barracks by the troops at Augusta arsenal, Georgia, four hundred and fifty dollars."

"For barracks, quarters, store-houses, hospital, stables, and materials for the same, at Fort Jesup, Louisiana, twenty-five thousand dollars."

"For rebuilding the wharf, and materials for the same, at Fort Wolcott, Newport, Rhode Island, five hundred dollars."

"For constructing a wood yard, and a wood yard wharf, and for materials for the same, at Fort Monroe, Virginia, one thousand dollars."

"For constructing a wharf, and for materials for the same, at Fort Severn, Maryland, one thousand dollars."

"For rebuilding and repairing barracks, quarters, hospital, store-houses, and materials for the same, at Fort Brady, Michigan Territory, five thousand dollars."

"For the purchase of land adjoining Fort Sullivan, and the buildings thereon, three thousand seven hundred and fifty dollars."

"For the following objects, in addition to former appropriations for the same:

"For national armory at Harper's Ferry, seventy-seven thousand eight hundred and ninety-seven dollars."

"For national armory at Springfield, forty-five thousand dollars."

"For the purchase or manufacture of light brass and iron field artillery, and for construction of field artillery carriages, caissons, and travelling forges, one hundred and thirty-seven thousand one hundred and ninety dollars."

"For the construction of furnaces for heating cannon balls, twelve thousand dollars."

The following additional section to the bill was also concurred in:

"SEC. 2. *And be it further enacted,* That the President of the United States is hereby authorized, under the restrictions of the act of the 1st of May, eighteen hundred and twenty, to make transfers from one head of appropriations for fortifications, to that of another for a like object, whenever, in his opinion, the public interest shall require it."

Mr. HAWES then moved to reduce the appropriation "for the preservation of Castle Island, and repairs of Fort Independence, Boston harbor," from $150,000 to $100,000.

After some remarks from Mr. LAWRENCE, in favor of the original appropriation, and in opposition to the amendment,

Mr. HAWES briefly supported his motion; when

Mr. McKIM moved the previous question; but the House refused to second the motion: Yeas 66, nays 72.

Mr. McKAY said a few words against the amendment, and Mr. HAWES in support of it.

Mr. HAWES then gave notice that he should make similar motions in relation to other clauses of the bill.

The amendment was further discussed by Messrs. BEAL, REED, and LAWRENCE, when the yeas and nays were ordered, on the motion of the last gentleman.

Mr. SPEIGHT then moved the previous question; but the House again refused to second the motion, only 52 voting in the affirmative.

Mr. HAWES's amendment was then agreed to: Yeas 89, nays 81.

Mr. VANDERPOEL said that, from what he had seen, and from what had already been avowed, he was convinced that the motion just carried was but the beginning of a system of razeeing, which, commencing at Boston, was to go "down all along shore;" and if we should remain here long enough to dispose of all the new propositions that were to be made, we would be detained till morning. Sufficient time had certainly been spent upon the bill. It had been fought and debated paragraph by paragraph, and for his part he was unwilling to fight over again the protracted battles which it had already provoked, and therefore moved the previous question.

The motion for the previous question was seconded by the House: Yeas 77, nays 66.

Mr. HALEY asked for the yeas and nays on ordering the main question to be put; which were ordered.

Mr. HANNEGAN moved that the House adjourn. Lost.

The question was then taken, but before the result was announced,

Mr. BRIGGS moved a reconsideration of the vote by which the appropriation for Castle Island and Fort Independence, Boston harbor, was reduced to $100,000.

The CHAIR decided the motion to be out of order, and thereupon announced the vote to be: Yeas 91, nays 71.

Mr. HALEY then moved an adjournment. Lost.

Mr. GRIFFIN called for the yeas and nays on ordering the bill to be engrossed; which were not ordered.

The bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. SPEIGHT,

The House adjourned.

SATURDAY, JUNE 18.

REDUCTION OF DUTIES.

Mr. McKAY moved that the rules be suspended for the purpose of enabling him to offer the following resolutions; which were read:

Resolved, That the revenue receivable under the present law is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new States, or impairing the interests of the General Government; and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Government.

Mr. MANN, of New York, asked for the yeas and nays on the motion, and they were ordered.

Mr. HOWELL moved to lay the motion on the table, and thereupon

Mr. PARKS called for the yeas and nays; which were ordered.

Mr. HOWELL then withdrew his motion; and the question being taken, the House refused to suspend the rules: Yeas 121, nays 76—not two thirds.

PENSION SYSTEM.

The bill to extend the pension system, ordered to be engrossed for a third reading to-day, was then taken up.

Mr. WILLIAMS, of North Carolina, moved the following resolution:

Resolved, That the bill be recommitted to the Committee of the Whole House, with instructions to strike out the provisions which grant a pension to those persons who were engaged in the Indian hostilities of the West, subsequently to the revolutionary war, terminating in 1783.

Mr. FRENCH moved the previous question; which was seconded by the House: Yeas 78, nays 50.

Mr. VINTON called for the yeas and nays on ordering the main question; which were ordered.

Mr. JARVIS moved a call of the House. Lost.

The House determined that the main question should be put, by a vote of 89 to 86.

Mr. CAMBRELENG asked for the yeas and nays on the main question, (the passage of the bill;) which were ordered.

Mr. PARKS moved to lay the bill on the table.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays on that motion; which were ordered, and were: Yeas 68, nays 111. So the motion to lay on the table was decided in the negative.

Mr. JARVIS moved a call of the House. Mr. J. said, on the passage of a bill of this character, he desired to see a full House. The motion was lost, only 49 voting in the affirmative.

The question was then taken on the passage of the bill, and decided in the affirmative: Yeas 109, nays 75. So the bill was passed.

Mr. JARVIS moved a reconsideration of the vote. He said the bill had been forced through the House in a most extraordinary manner, and then went on to show the heavy drains it would cause upon the public Treasury, and examined its provisions at some length. He concluded by moving that the question of reconsideration be postponed until Monday next, so that every gentleman might come prepared to vote upon it understandingly.

Mr. HARDIN, after a few remarks in support of the provisions of the bill, moved the previous question on the motion to reconsider; which was seconded: Yeas 69, nays 62.

Mr. RENCHER called for the yeas and nays on ordering the main question to be put; which were ordered, and were: Yeas 92, nays 70. So the House determined that the main question should be put.

The main question on reconsideration was then put, and disagreed to without a count. So the bill was finally passed.

The House adjourned.

MONDAY, JUNE 20.

THE DEPOSITE BILL.

Mr. LANE moved a suspension of the rules for the purpose of taking up the bill from the Senate "to regulate the deposite of the public money," and thereupon asked for the yeas and nays; which were ordered.

Mr. HALL, of Maine, moved a call of the House; which was ordered, and proceeded in for some time, when the further proceedings therein were suspended.

Mr. ANTHONY moved to amend the motion by instructing the Committee of the Whole on the state of the Union to separate the two propositions embraced in the bill, and to report the same in two bills.

Mr. VINTON asked if it was in order to move to amend a motion to suspend the rules.

Mr. BELL remarked, that if it was in order to move the instructions, then the whole merits of the bill would be open for discussion. The proposition, he said, was to divide the bill, and upon the question of instructing the committee every part of the subject could be discussed.

Mr. ANTHONY said he did not suppose it was in order to discuss the bill, or he should have stated his reasons for moving the amendment.

Mr. BELL said the object of a majority was to get the bill up before the House for discussion before it could be reached in order, and there was a direct way to do it. If two thirds could not be found to agree to take it up, they could postpone, or lay on the table, temporarily, every other subject, until it should be reached.

After several requests were made to have the amendment withdrawn, by Messrs. **PHILLIPS, LEWIS, CAMBRELENG, and DENNY,**

The **SPEAKER** decided the original motion and amendment to be out of order, on the ground that a bill must be taken up and read a first and second time before it could be in order to dispose of it.

By general consent, the bill was then taken up, and read twice; and the question being on its commitment,

Mr. DICKERSON then moved to add to the motion to commit the bill to a Committee of the Whole, instructions to separate the same into two bills, so that the first should regulate the deposites of the public moneys, and the second should provide for the distribution of the surplus among the States.

Mr. D. said he was in favor of the whole bill, but with his view he could not consent that both propositions embraced in it should be acted upon jointly. The first part of the bill was for the disposition of the public money in the banks, from the time it was collected till it was otherwise disposed of. The next was for the disposition of the surplus, on certain conditions, among the States. These, he thought, were two different and distinct propositions, which had excited much of the public attention. He was satisfied that many members were in favor of both propositions. He was one of them. Some were in favor of neither. Some others were in favor of one and opposed to the other of the propositions. Every man who was in favor of both ought, he thought, to endeavor to carry one at least; but the course taken, by uniting them, he said, jeoparded both. Some believed one of them unconstitutional, and such would be compelled to vote against both; whereas the first alone they would vote for. Therefore, if they were kept together, it would, in fact, jeopard the whole bill. He thought the public interest required that they should be divided, so that the first part at least might be passed.

It might be said that he ought not to look beyond the action of the House itself; but he thought they ought to look at another part of the law-making power; and he was going on to intimate that the President might approve of that portion of the bill regulating the deposites, but would veto the whole if the distribution among the States was connected with it, when he was reminded that the allusion was not in order. He concluded with again saying that he was in favor of both parts of the bill, and he was not willing that either should be jeoparded.

Mr. DENNY thought the proposition to divide the bill would be fatal to the whole of it. The gentleman from New Jersey, [Mr. DICKERSON,] he said, had gone, apparently, on the ground that there were two bills, instead of one; but he could see only one entire proposition for the disposition of the public money, and he did not see how it could be divided. There would not be time during the present session to mature two bills, and obtain the action of the Senate upon them separately. He thought that all those who wished to pass the bill would keep the two propositions together.

Mr. McKENNAN said he was utterly opposed to separating the two propositions; and he would appeal to the friends of the bill not to take up time in debating this preliminary motion. All the House had to do at this period of the session was to vote.

Mr. SPEIGHT rose to appeal to the House. He said there were, clearly, two distinct propositions in the bill. He was in favor of that for regulating the deposites in the banks, and was opposed to the other. He said it was the same bill, with one or two slight exceptions, which passed the House two years ago, and was lost in the Senate, which was now sent back, with an entirely new principle, which he thought would go to prostrate the whole currency of the country. A principal objection to it was, that it asked no security of the States for the payment of the money, when it should be called for, and he considered it, in that respect, as very defective. He would appeal to the House, and ask them not to compel him to vote for a principle which he considered obnoxious, or to go against the whole bill, a part of which he approved as highly necessary. He would ask the House to divide the bill, and he would pledge himself to take no steps to defeat the measure for distribution, though he could not vote for it.

Mr. MERCER said he was really astonished that gentlemen could consider the two propositions distinct. He would not vote for the first proposition unless it was united with the other, which had been considered so obnoxious. It was a proposition to reduce the amount of the deposites in the banks from $38,000,000 to $5,000,000. It was an important part of the subject of regulating the public deposites, and indissolubly connected with it. He said it went to make the States responsible for the repayment of the money, and ought not to be called a distribution; and he could not understand how it should be said there was no security for the money, when they were required to render certificates, and it depended on the action of the General Government alone to make them responsible for the repayment. He asked who had ever heard of amending a Senate bill by dividing it into two bills? The object might properly be attained by striking out a part of this bill, and introducing into the House another bill; but he had never heard of its being done in the way then proposed.

Mr. LANE said he had submitted the resolution to have the bill taken up, read a first and second time, and referred to the Committee of the Whole on the state of the Union, in order that it might be speedily and finally acted upon.

The first part of the resolution has been adopted, and the question now is upon the motion of the gentleman from New Jersey, [Mr. DICKERSON,] to have it referred, with instructions that the committee separate the bill, and report to the House that part which regulates the deposites in the State banks, and that portion which provides for the surplus revenue remaining on hand on the 1st of January next, to be deposited, all except five millions, in the respective State treasuries, at a certain per centum.

Mr. L. said he was in favor of both branches of the bill, and more especially the latter part of it. It has been argued, as a reason why the instruction moved ought to be adopted, that they are subjects disconnected with each other, and therefore ought to be disunited. So far from this being the case, each branch of the bill provides for the safe keeping of the public money; one provides for keeping a portion in the State banks; the other in the respective State treasuries. They are similar in principle, and, in fact, both regulate and provide for the safe and efficient keeping of the public money. Why, then, ought they to be separated? Will not the public money be as safe in the State treasury, with the faith of the State pledged for its safe keeping and repayment, as in the State banks, irresponsible in their character, and often doubtful in point of credit?

Can it be said that it has been lawful and constitutional for the last two years to keep the public money in the State banks, in the absence of all law other than the necessity of the case, resting entirely upon the judgment and discretion of the Secretary, and that it will now be improper and unconstitutional to deposite a portion of it in the State treasuries, in and by authority of law?

The object of the bill is to secure the public revenue, the money of the people. It contemplates a higher security than the deposite banks, for a large portion of it. The respective States, the whole people, will be bound for its repayment. And it matters not whether we order it deposited in the local incorporated banks, private bankers, in the hands of agents, or in the State treasuries—it is but a deposite, and the only object ought to be its safe keeping, the convenience of the Treasury, of disbursement, and the interest and prosperity of the country.

While it was a source of extreme regret to find himself bound to differ in opinion with many of those with whom it had and always would give him pleasure to act, he had the consolation to know and believe he was acting in accordance with the opinions, wishes, and interest, of those whom he had the honor to represent. No political considerations should ever induce him to violate the one, or disregard the other.

Mr. L. said it could not have escaped the attention of honorable gentlemen, that he had introduced a resolution, in the early part of the session, in substance the same as the bill now under consideration.

To conclude, (Mr. L. said,) he trusted the bill would be adopted as a whole, after some trifling amendments; which, if no one else would offer, he should himself propose to the committee.

Mr. DICKERSON accepted the amendment as a modification of his motion.

Mr. PARKER said the bill was admitted by all to be one of importance. It had been sent from the Senate, and the only question was, how the House should dispose of it. He thought it ought to go into Committee of the Whole untrammelled, for a full and free discussion. It did not, as had been said, consist of two distinct propositions, but was intended to regulate the money in the deposite banks, and to prevent too much accumulation in their hands, and to put it in a safer place. At any rate, the House ought not, he thought, to divide the bill before its merits had been discussed and understood. No man at that time could tell what its provisions were. As to the supposition that the money would not be safe in the keeping of the States, he had only a single answer: if he could trust institutions created by the States, he could trust the States themselves. If the money would be safe in banks created by the States, and existing by their will, it would certainly be safe in the State treasuries.

Mr. CALHOUN, of Massachusetts, thought it an incorrect course to instruct the Committee of the Whole, and it would go to defeat the very purpose of committing bills to such a committee, that of full and free examination. He called for a division of the question.

Mr. SMITH said he concurred in the proposition of the honorable gentleman from Massachusetts, [Mr. CALHOUN,] to divide the original proposition of reference to the Committee of the Whole. And while he was desirous that, under such a division, the first part of the proposition to refer might be adopted, he was alike desirous of seeing the latter part rejected, leaving the bill of the Senate to go before the Committee of the Whole untrammelled by instructions of any kind. I am, sir, (said Mr. S.,) in favor of the bill as a whole. I am in favor of both parts of the bill, not as separate and disjointed measures, but as one and an entire measure. Taken in parts, I am opposed to the bill as its provisions now are. As distinct parts, I believe it to be defective. As a whole, I think it to be substantially good, though susceptive of amendment, perhaps, in some minor particulars. And as a whole—as a great national measure, and not as a party measure—I hope it will be adopted by this House. I hope it will receive the support and countenance of every gentleman who is willing to look above party considerations in reference to the vast public funds that are accumulating upon our hands, and be adopted as a measure that is highly essential to the continued prosperity and welfare of this great nation.

Mr. Speaker, I wish to call the attention of the House to the reasons that have been assigned—assigned in all sincerity of purpose and honesty of heart, I doubt not—by gentlemen who are in favor of dividing the bill of the Senate, and in support of their proposition. To my mind they are wholly inconclusive, and I hope they will not prevail in the House.

Sir, it is said that the bill of the Senate should be divided, because it embraces two distinct and different measures; that is to say, the provision for depositing a certain portion of the public money with the local banking corporations is denominated one measure, and the provision for depositing another portion of the public funds with the State Governments, or in the State treasuries, is denominated another measure. But (said Mr. S.) I conceive each provision to resolve itself into one and the same general measure and purpose—into a single act of disposing, on deposite, of the surplus money of the Federal Government. The system of deposite proposed by the bill may be said to run into two branches, but not into two distinct and independent measures. The bill, sir, in each part, has been framed with reference to the other part. If separated, neither part will be satisfactory to a majority of this House, without very essential and important alterations; whereas, take the bill as a whole, and all its parts are, in the main and in substance, satisfactory to the House, if I can judge of the disposition of the House upon the subject.

It is said, sir, that the bill imbodies two distinct and different measures, because the conditions and securities upon which the public moneys are to be deposited with banking corporations are different from the conditions and securities exacted of the State Governments. This difference, to my mind, does not go to any principle; it involves a mere question of expediency, a mere question as to the sufficiency or insufficiency of the securities which you exact in each case for your deposites. Sir, it is true that you do, by this bill, propose to exact different securities from local money-trading corporations for your deposites, from those you exact of the State Legislatures for the deposites intrusted to them. Is other security required of the States than their acceptance of the deposites on the terms you prescribe? Are you desirous of placing them on the same footing, and to regard them as the same grade of depositories with local private corporations? Are you not willing to trust the sovereign States upon terms different from those which you would impose upon private banks? Sir, I have confidence in the fidelity and integrity of the people and of their State Governments. I hold them in infinitely higher esteem than I do any private local corporation, be that corporation made up of whatever men or class of men it may. I will not go ahead of events to call in question the honesty of the people, and of the State Governments, which are under the people's immediate influence, to give preference and precedence to your local trading bank corporations. I have, on the contrary, full and entire faith in the State Governments. I believe they are incapable of entering into any relationship with the Federal Government, and proving treacherous to that relationship. I believe no assurance which any State Government of this Union shall give to the Federal Government, and no expectation which the people of this country shall raise through their respective State Governments in relation to the public deposites, will be violated under any circumstances. No, sir; I would deal with them in good faith, and in good faith will they fulfil their every obligation.

But, sir, it is different when you come to the private banks; of them I would exact, as this bill proposes to do, further and additional securities. Every thing between them and the Government must be matter of contract, and nothing should be left to mere good will on their part. Bind them to the performance of your requirements, as you would bind any individual whose only motive of serving you is notoriously his private interest, and not the public welfare. I would create no greater dependence, on the part of the Government, upon these local corporations, than is indispensably requisite for the convenience of Government; and to the full extent that the States can be preferred as public depositories of your surplus moneys, I would prefer them.

Sir, I reason on this subject from what I am sure will be the voice of the people of Maine, when the question is stated in its simple form, and brought down to its simple elements. For instance, the Federal Government has a single deposite bank in the State of Maine—a local, money-making institution, owned by private individuals. This bank has now, and will have hereafter, if no better system be adopted by us, the exclusive benefit and control of all the public moneys placed or left on deposite within the State of Maine, to be used when and how it is that institution's good pleasure to use it, and without any consultation with the people at large. Now, sir, the question put to the people of Maine by the provisions of the bill is, do you prefer making the present deposite bank in Maine the exclusive keepers and managers of some hundreds of thousands of dollars of the public moneys, or do you prefer to take a large portion of it, which the Federal Government has no immediate use for, into your own immediate keeping and control, for the common benefit of the whole State? Sir, I believe that the people of Maine would prefer to have the use and benefit of so much of these funds as the Federal Government does not need, to be managed for their common benefit, than to have it deposited with any private corporation in existence.

[Mr. Cambreleng here called Mr. Smith to order. He said it was not in order for the gentleman from Maine to discuss the merits of the bill, and on this ground he called to order.

The Speaker said the proposition was to commit the bill, with instructions, and the Chair could not interpose to arrest debate on the subject of the instructions.]

Mr. Smith said he was proceeding to illustrate the effect of amending the bill of the Senate as proposed, to bring the operation of the amendment home to the interests of the people of his own State.

[Mr. Cambreleng again rose, and said, if the gentleman from Maine was allowed to discuss the merits of the bill, he should claim the right of reply.

The Speaker said he could not discover that the gentleman from Maine was out of order.]

Mr. Smith proceeded. He said he hoped and desired that the gentleman from New York would reply, if he wished to do so. The Chair has decided that I am not out of order in my course of remark. I was carrying my illustrations home to the interests of my own constituents. Perhaps I go too near home to the condition of things in the State of New York also. Be it as it may, I go for the bill of the Senate as a whole.

Another reason offered for dividing this bill (and it has been suggested by the honorable gentleman from New Jersey, [Mr. Dickerson,] who says he is in favor of both parts of the bill) is, that the one part may not be put in jeopardy by the other part of the bill. Now, sir, I am opposed to a division of the bill, that neither part may be put in jeopardy, by being separate from the other. The strength of each is essential to the safety of the other; and the two parts, being adapted to the purpose of securing to the people at large the safest and most useful deposite of the surplus moneys of their Government, ought to stand or fall together. They are framed with special reference to each other. What gentleman would dispose of the whole of the public moneys among local corporations upon the terms proposed by the first part of the bill? And yet what gentleman is unwilling to dispose of a portion of those funds in the manner thus provided? The first part of the bill provides that the local banks shall pay for a certain portion of the public deposites received by them only two per cent. per annum interest, in addition to the services to be performed by them for Government in transfers of the public moneys from one point of the Union to the other. The amount to be reserved by this deposite bill, in local banks, for this operation, is five millions of dollars. Sir, I accord my cordial support to this arrangement. But, sir, I would not do so if these banks were to have in deposite the whole of the public moneys, say from thirty to fifty millions of dollars. Two per cent. interest only on such an amount, though added to their aggregate of services for the Government, would not be a judicious nor just arrangement for the public Treasury. Four per cent. interest, under such a sweeping control and use of the revenues of the country by these local institutions, would be nearer right, and might well be afforded. But the bill has been made to conform, in the particular of interest to be exacted of local banks, to the comparatively small amount of deposites with which they are allowed to operate, and from which they are allowed to derive benefit, and not with reference to the aggregate of surplus.

Sir, I have another reason to influence my mind most decidedly against a division of this bill. The vast amount of public money which your Treasury is accumulating will, in my opinion, be far more safe and secure in charge of the State Governments than in the keeping of the local banks. I am willing to confide five millions of dollars to the keeping of local banks, judiciously selected over the country, and under the provisions of this bill; that amount having been adjudged sufficiently large to answer all current demands upon the Treasury, aided by the current revenue of the nation after the 1st of January next. But, sir, I am not willing to confide an aggregate of forty or fifty millions of the public revenue—the whole sum of your nation's income, upon any terms of interest whatever—to the keeping and management of local and private banking companies, be they managed or owned wheresoever and by whomsoever they may. I do not believe that such an enormous amount of public money, thus distributed and deposited, would be secure. Sir, with your State Governments, with men immediately responsible to the watchful eye of the people, and interested only in promoting the general good by its use, it would be, to say the least, far more secure, and, in my opinion, perfectly secure. What more can gentlemen require? What more can the people require at our hands? This is the measure proposed by the Senate's bill now before the House.

Sir, I am influenced in coming to the conviction which I entertain against both the propriety and expediency of dividing this bill, by yet another consideration. It is this, sir: The use and distribution of the millions which are to be deposited under this bill will, in my opinion, be far more advantageously enjoyed by the people at large, by all classes of citizens, if confided to the care and control of the State Governments, than if confided to the management of private corporations. The one is interested and watchful in accomplishing the greatest good of the whole people; the others are ever actuated by their private advantage and considerations of individual gain. Sir, I do not conceive that it is practicable for local banks, however disposed, to accept this money, and use it to the extent of benefit to the public at large that it ought to be used, and to the extent that your State Governments, and the people acting through the State Governments, can and will use it. This is with me a very weighty consideration, and cannot but be so with others, who have a due regard in this matter to the business of the country.

In conclusion, Mr. Speaker, I hope this great national measure will not be defeated by the action proposed to be had upon it. It is a measure which is called for by public sentiment—a measure which, if I were permitted to allude to the proceedings of the other branch of Congress, I might say, has been sent to us by an unprecedented unanimity on the part of that body. I am for it as a whole. It may be, and doubtless is, susceptible of amendment in some of its details. For all essential amendments to make it perfect, without destroying the system of keeping the public moneys proposed by it, I will cheerfully go. But all other changes of the bill I feel bound to resist.

Mr. MANN, of New York, said he did not rise to discuss the subject; and he hoped the House would not spend much more time in debating the preliminary measure. He then offered a substitute for the instructions of the gentleman from New Jersey, [Mr. DICKERSON,] so as to direct the committee to report the first twelve sections of the bill as one bill, and the three remaining sections as another bill, with such amendments as the committee might think proper.

Mr. DICKERSON accepted this amendment as a modification of his motion.

Mr. ADAMS hoped the instructions would be withdrawn. Instructing a Committee of the Whole, he said, was incompatible with the object of going into the committee. It would confine them to the subject of the instructions; and he went on to show some deficiences and discrepances, which ought to be considered and amended in the first part of the bill.

Mr. PATTON said that there was no doubt about the propriety of the bill. He thought there was a great moral and political necessity for passing it; and it ought not to be trammelled to prevent that free discussion which it ought to receive. It was unusual to instruct a Committee of the Whole, and he could not perceive what extraordinary reasons there could be why the House was asked to adopt such a course. It had been said it was possible, and had been intimated to be probable, that the President would veto the bill. The House, he said, ought to act according to its sense of duty, without regard to the opinions of any other department of the Government; and he himself would not turn a hair's breadth from what he thought right, from any apprehensions or threatenings of what the Executive might do.

Mr. DICKERSON rose to explain. He said he did not know that the Executive would veto the bill. He had had no conversations with the President; nor did he mean to say that any one should be influenced by a knowledge of his opinions; but if he was opposed to a part of the bill, he thought the House ought to secure the passage of that part upon which there was no doubt.

Mr. PATTON said, if there was doubt of the constitutionality of a clause of the bill, it might be proper to strike that clause out; or, if the different parts related to totally distinct subjects, it would be a good reason for dividing the bill. He, however, thought they did not, and he could not see how the two propositions could be separated with any propriety. He thought that portion of the bill regulating the deposites as of the least value; it proposed very little alteration in the manner of keeping the public money from that now practically adopted by the Department; and he thought it ought to go to the committee without instructions, so that gentlemen could discuss and amend it.

Mr. VINTON thought the instructions, in either shape, ought not to prevail; and he went on to point out the embarrassment that would arise from introducing a bill in a manner so contrary to the rules into the House, and also of the inconvenience and delay in sending such a bill to the Senate.

The question having been divided, was taken first on the commitment of the bill to the Committee of the Whole on the state of the Union; which was agreed to.

The question being on adopting the instructions, it was divided, and first taken on the instructions to the committee to separate the provisions of the bill so as to report the first twelve sections thereof as one bill, and the remaining three sections as another bill. This question was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Cramer, Cushman, Dickerson, Dickson, Dromgoole, Dunlap, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Richard M. Johnson, Cave Johnson, John W. Jones, Judson, Lansing, Gideon Lee, Joshua Lee, Leonard, Loyall, Lucas, Abijah Mann, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Muhlenberg, Page, Parks, Franklin Pierce, Phelps, Joseph Reynolds, Roane, Rogers, Seymour, Shields, Shinn, Sickles, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, Thomas T. Whittlesey—96.

Nays—Messrs. John Q. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Deberry, Denny, Evans, Everett, Forester, Fowler, Fry, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Henderson, Hiester, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Logan, Love, Lyon, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Ripley, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Smith, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, Webster, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Wise—120.

The question being next on that portion of the motion making the bill the special order of the day for tomorrow at 12 o'clock, and every succeeding day thereafter till disposed of,

Mr. HIESTER moved to amend the motion so as to make the bill the special order for the residue of this day; which amendment

Mr. DICKERSON accepted as a modification of his motion.

Mr. VANDERPOEL moved to amend the motion by striking out this day, so as to leave the motion in its original form.

Mr. HALL, of Maine, called for the yeas and nays on this motion, and they were ordered.

The motion of Mr. Vanderpoel was agreed to: Yeas 113, nays 106.

Mr. DUNLAP moved to embrace in the motion the bill from the Committee of Ways and Means of this House, for the regulation of thede posites in certain local banks. Lost.

The motion of Mr. Dickerson, as ameneded, was then agreed to.

BANK LOANS TO MEMBERS OF CONGRESS.

Mr. HUNT, by general consent, offered the following resolution; which was read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire whether any member or members of Congress have received any accommodation or facilities from any person or persons, bank or banks, in the employment of the Government, or not, in obtaining the use of the public money for the purpose of speculating in the purchase of the public lands.

Mr. PEARCE, of Rhode Island, moved to amend the resolution by embracing the heads of Departments, or any officer of the Government; which Mr. HUNT accepted as a modification.

Mr. BOON said he hoped the resolution would be further modified, so as to inquire whether any member of Congress, &c., had borrowed money from the banks without paying interest for it.

Mr. LEWIS said he would have no objection to the resolution if there was any ground for a belief that any improper partiality had been exhibited by the deposite banks in their transactions with members of Congress; but he was averse to a general exploring expedition. He wanted information on the subject.

Mr. McKAY took a similar view. The adoption of the resolution amounted to a tacit admission that some members had received accommodations from the deposite banks for the purposes of speculation. This was a grave charge, and ought not to be countenanced without some ground to go upon. He hoped, therefore, that the gentleman would inform the House what was the object of the resolution, and the ground for it.

After some remarks from Mr. BOULDIN,

Mr. HUNT said that every member must have heard rumors, and seen intimations in the public prints, that certain members of Congress have had the use of the public funds in their private speculations. He did not pretend to be possessed of any more information on the subject than any other member. He thought some inquiry ought to be made in regard to the matter, and he had therefore submitted the resolution to the disposition of the House.

Mr. ADAMS said he could not vote for this resolution. If this committee was appointed, it must have judicial power, and it must be a sort of grand jury; and, in order to examine every member of the House, they must sit during the recess. In fairness and impartiality, they must summon every member before them. After all, what would it amount to? Suppose a member has borrowed money of a bank, with interest or without interest, of what consequence is it? There is nothing in it contrary to law. Suppose it be ascertained that some forty or sixty members have borrowed money of banks to buy lands; a voluminous document, costing some thousands of dollars, would be published to excite public odium against those individuals; and there the matter would end, unless, indeed, the gentleman from New York intended to follow up his motion by moving the expulsion of such members. He could not see that it would be sufficient cause for expulsion, for nothing was charged in violation of the laws of the land. The House must then be converted into a grand inquest on the subject, and the members accused must appear in their defence at the bar of the House, with their witnesses. Was this a position in which the members of the House wished to be placed towards each other? On the contrary, it was highly desirable that they should entertain towards each other the kindest feeling and respect.

Mr. LEWIS asked for some specification of the accusation. If there was any ground for it, he wished to know it.

Mr. **BOON** said the banks were established for the public accommodation, and members of Congress had a right to borrow money from them, and to buy lands, as well as others. If any corrupt practices had prevailed, it was a different thing, and an investigation would be proper. But nothing of this kind had been alleged.

Mr. **PEARCE**, of Rhode Island, advocated the adoption of the resolution at some length.

Mr. **SPEIGHT** said, for his own part, he had no objection to the adoption of the resolution; but, as the time of the House was precious, and as it wanted but a few minutes of the hour assigned for the House to take a recess, he moved the previous question; which was seconded.

The main question was ordered to be put, and the resolution was agreed to without a count.

The select committee was then ordered to consist of five members.

The hour of half past two o'clock having arrived, the House, in pursuance of a former order, took a recess.

EVENING SESSION.

Mr. **ADAMS** obtained leave to offer a resolution directing the Clerk of the House to cause to be prepared a copy of the constitutions of the several States of the Union, embracing all the amendments thereto adopted, from the declaration of independence till the year 1789.

Mr. **A.**, adverting to the convenience of such a book of reference for the use of Congress, said that no complete work of the kind had ever been published.

Mr. **GRAVES** objected to the publication of such works at the expense of the Government. Members who desired to possess such a compilation, might make it for themselves. He moved to lay the resolution on the table; and the question being taken, a quorum did not vote.

Subsequently the resolution was again taken up, a quorum having appeared.

Mr. **CHAPIN** moved to amend the resolution so as to include "the constitution of the United States and the articles of confederation;" which amendment was accepted by the mover.

Mr. **HARDIN** objected to the resolution, and said we had as well publish copies of the Federalist and other political works. He moved to lay the motion on the table; which was agreed to, 69 to 56.

FORTIFICATION BILL.

The House, in further execution of the special order of the day of the 26th of January, took up the engrossed bill making appropriations for certain fortifications of the United States for the year 1836.

The bill was read a third time and passed.

Mr. **SMITH** moved that the House resolve into a Committee of the Whole on the state of the Union, upon the bill making appropriations for the Delaware breakwater, the bill making appropriations for the Military Academy of the United States, and the bill making appropriations for certain military and other roads.

After some conversation on the order of proceeding, in which it was urged that these bills were not embraced in the special order of the 26th January,

The **CHAIR** submitted the question to the House whether the special order had been executed or not; and the question was decided in the affirmative.

The House passed to the order of the day.

The bill amendatory of the act for the continuation of the Cumberland road, (to change the location of a part of it,) was read a third time.

The question being on the passage of the bill,

Mr. **CRANE** spoke, at some length, on the subject, and was followed by Messrs. **KINNARD**, **PEARCE** of Rhode Island, **BOON**, **MASON** of Ohio, **VINTON**, and **WEBSTER**. The whole debate related to the proposed change of route in the bill.

Mr. **MANN**, of New York, rose amidst loud calls for the question. He said he did not intend to make a speech; but, as he was in favor of a straight route on this occasion, he moved the previous question.

At the suggestion of Mr. **STORER** that the House would agree to take the question, Mr. **MANN** withdrew the motion; and the question being taken on the passage of the bill, it was decided as follows: Yeas 79, nays 88.

So the bill was rejected.

The House then adjourned.

TUESDAY, JUNE 21.

PUBLIC DEPOSITES.

The House, at 12 o'clock, in pursuance of the special order adopted yesterday, resolved itself into a Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and proceeded to consider the bill from the Senate for "the regulation of the deposites of the public money."

Mr. **HARRISON** moved to amend the first section, so as to require the assent of the States to the establishment of agencies.

Mr. **DROMGOOLE** moved to strike out all that part of the first section which relates to the establishment of agencies in the States.

After some remarks from Messrs. **HARRISON** and **ASHLEY**, the motion was lost.

Mr. **McKAY** moved to strike out the words "as banks of deposite." Lost.

Mr. **VANDERPOEL** moved to amend the fifth section, so as to provide that no bank should be selected as a deposite bank which shall issue any note of less denomination than ten dollars. Lost.

Several other amendments, of lesser magnitude, were moved and lost.

Mr. **ADAMS** moved to strike out, in the 8th section, the following words: "or the public money withdrawn therefrom." Lost.

Mr. **WILLIAMS**, of Kentucky, moved an amendment, to the effect that the banks shall pay four per cent. interest on the whole amount of the deposites; which was lost.

Mr. **DROMGOOLE** moved to strike out the 11th section. Lost.

Mr. **MANN**, of New York, moved to amend the 13th section of the bill, so as to provide that the distribution shall be made in proportion to the representation of the people on this floor; and upon this motion he wished, he said, to be heard. But, at the suggestion of some gentlemen, he, for the present, withdrew it.

Mr. **ANTHONY** offered the following, as a substitute for the 13th section:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurer, or other competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations of common depositories of the public money, for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury beyond the amount of the five millions aforesaid:

Provided, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same may, at the discretion of the Secretary of the Treasury, be deposited with the other States agreeing to accept the same on deposite.

And provided, further, That when said money, or any part thereof, shall be wanted by said Secretary to meet appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days for every additional sum of twenty thousand dollars which may be required.

Mr. **ANTHONY** said, the proposition which I have had the honor to offer to the consideration of the committee, as a substitute for the thirteenth section of the Senate bill now before us, is one which I sincerely hope will meet with general approbation. This section provides for the deposite of the surplus revenue of the country among the several States of the Union, and embraces a question of vital importance to the people—a question in which every member of this House has a deep and abiding interest. We should, therefore, carefully deliberate on the best means to effect the object we have in view; and it should be our earnest endeavor, as far as possible, to harmonize and unite conflicting opinions; to obviate, as far as practicable, prejudices from every quarter; and, without compromitting any principle, to modify and amend the bill in such manner that it may become the law of the land.

Mr. A. then proceeded to remark, that he considered the ratio of distribution adopted by the Senate contrary to the fundamental principles of our Government, whereby taxation and representation went hand in hand; and he therefore believed that representation and distribution should be in the same ratio. He had accordingly stricken out the "Senate" from his amendment, being satisfied that the relative proportion in the House of Representatives would approximate nearer to justice than any other mode of distribution which could be adopted, unless we resorted to a new enumeration. He was, however, willing to admit, that as some of the small States had large fractions, and others had rapidly increased, and perhaps doubled their population, since the last census, they would have some reason to complain that they did not receive a fair and equal proportion, by allowing them only their representative share.

He proceeded to discuss this question at some length, but at the suggestion of many of his friends, who were fearful that an adherence to this change would defeat the amendment *in toto,* he afterwards restored the "Senate," so as to make it correspond in that respect with the bill as it came to the House, remarking that if any other member should thereafter renew the motion to strike out the "Senate," it would receive his cordial support.

Mr. A. then said, the bill before the committee provides that the surplus money in the Treasury, on the 1st of January, 1837, shall be deposited with the several States in the nature of a loan, for which certificates are to be given by the States, subject to transfer and sale by the Secretary of the Treasury, "whenever it shall be necessary to meet appropriations made by Congress."

The substitute differs from the original section in this: that it authorizes a deposite of the money with the respective States, "to be safely kept by them; and the faith of the States is pledged to repay the same, when required by the Secretary of the Treasury, to defray the wants of the public Treasury." The committee will perceive that instead of a loan to the States, with authority to the United States to sell and assign the security, and thus transfer the debt to private individuals or corporate bodies, agreeably to the terms of the original section, the substitute merely deposites the money for safe keeping, to be used by the States receiving it, till required for the necessities of the General Government for national purposes. It avoids the necessity of resorting to a sale of State certificates to stockjobbers and speculators, as it fairly distributes the surplus throughout every member of our confederacy, taking their several pledges for the repayment, when called for, in moderate instalments.

Another difference in the two propositions is, that by the Senate bill, after a sale and assignment of those certificates, "they shall be subject to and shall bear an interest of five per cent. per annum;" but in the amendment they are to bear no interest whatever. This part of the amendment, I trust, will be acceptable to the committee, as it makes the States liable to the national Government alone for the payment of the principal sum deposited, and not subject, in any event, to pay interest.

The next point of difference is, that by the original section the "certificates are redeemable at the pleasure of the States issuing the same," whereas in the substitute the States are pledged to pay after notice is given by the Treasury Department that the money is required to meet appropriations. Should the necessities of the Treasury demand a portion of the distributed surplus to be restored to its vaults, if the States could redeem at pleasure, the only mode of replenishing the Treasury from this source would be by a sale of those certificates of deposite; hence arose the necessity, if that plan were adopted, to make them assignable, and to bear an interest of five per cent. per annum, after assignment; but as they, by the proposed amendment, are to be without interest, and are not transferable, it necessarily follows that whenever the money is needed to meet appropriations, for which there are not other funds in the Treasury, the States are bound in honor, as well as by their "legal obligations," to restore whatever sum is necessary, in proportion to the amount held by them respectively, upon due notice given by the Secretary of the Treasury.

These modifications and alterations of the 13th section make the bill what its title purports to be, viz: "To regulate the deposites of the public money." They place the common treasure of the people in the hands of their State representatives, to be applied by them to internal improvement, to education, and many other objects of great importance. By disposing of the money in this manner, it takes from the deposite banks immense sums which either lie unproductive in their vaults, or are loaned for purposes too often of hazardous trade, and sometimes of unwarrantable speculation. The whole community will be benefited by the distribution, as it will circulate through every section of the Union, while at present it is principally confined to the commercial cities, where the revenue is mostly received, and where the deposite banks are generally located. It will prevent extravagant expenditures and lavish appropriations of the public money, as every State will be interested in preserving that economy which teaches us to husband our resources, and not to squander them on works of doubtful utility. We shall learn the trite though true maxim,

> "Nullus tantus quæstus, quam quod habes parcere."

The attention of the people of Pennsylvania was attracted to the subject of the surplus revenue soon after the election of the present Chief Magistrate. In his first annual message to Congress, on the 8th December, 1829, the President, in speaking of the situation of the financial concerns of our country, says:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it."

Pennsylvania having engaged in an extensive system of internal improvement, which required large sums of money to be raised for the purpose of conducting the expensive works under contract, and completing them with as little delay as possible, resorted to loans to meet the heavy annual expenditure which this magnificent project required. As every year added to the liabilities of the State, and the national Treasury would in a short time be relieved from the public debt, much solicitude was felt in relation to the disposition of the surplus which would accrue beyond the current expenses of the country.

The citizens of the "Key Stone" having assisted to elevate the present Executive to that station which he now fills with so much honor to himself and satisfaction to the people, received with heartfelt pleasure the message announcing his opinion "that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation;" and although he, at the same time, expressed a doubt whether such a disposition was warranted by the constitution, and suggested that it would be expedient to amend it, to remove that doubt; yet the situation of Pennsylvania, with her accumulating debt, was such, that all parties concurred in the hope that these doubts would be removed when the time for distribution arrived, and that we should receive our share of the surplus revenue, and thus be relieved from a portion of the increasing debt which the improvement system had created.

Having, at the period to which I allude, been chosen by the citizens of my native State to represent them in another place, (the Senate of Pennsylvania,) I was among those who heartily responded to the sentiments of the President; and two of my colleagues on this floor [Mr. MILLER and Mr. MORRIS] assisted me in passing the following resolution, which, according to my recollection, received almost, if not altogether, the unanimous concurrence of that body:

"*Resolved*, as the sense of the Senate and House of Representatives, that as soon as the national debt shall be paid, the most equitable and just mode of disposing of the surplus funds which may remain in the Treasury of the United States, after defraying the ordinary expenses of the Government, and the payment of appropriations which may be made to objects of great national importance, will be by a distribution amongst the several States, in proportion to their representation in the Congress of the United States.

"Approved, April 2d, 1831.

"GEORGE WOLF."

The constitutional power of Congress to distribute the surplus funds of the Treasury among the States had not at that time been examined with that care and scrutiny which it afterwards received. Although the President had intimated its unconstitutionality, and suggested "an appeal to the source of power as among the most sacred of all our obligations," yet it was not till his veto of the land bill of Mr. Clay that his views on this constitutional question became generally understood. Since that period a difference of opinion has existed, and still exists, throughout the community, on this all-important subject; and I feel that it is wholly unnecessary to attempt its discussion on the present occasion. Let our object rather be to avoid difficulties and embarrassments of this nature, and pursue such a course as will be sanctioned by every branch of our legislative department. Let us steer clear of constitutional objections from any quarter, and adopt such provisions as will promote the welfare of the States, without affecting the wholesome action of the General Government.

The resolution of the Legislature of Pennsylvania, which I have read, reiterates and sanctions the liberal, patriotic, and enlightened views of the Executive of the Union, without expressing any opinion of the constitutionality of the measure. It cannot, therefore, be expected that I have so far forgotten the part I took in the passage of that resolution, as to be now opposed to a constitutional disposition of the surplus money of the Treasury. Every one must admit that it ought to be taken from the deposite banks and placed in the power of the people, to whom it properly belongs, and who can safely apply it to such State objects as will increase their wealth and advance their prosperity, and thus add to the strength and stability of the whole confederacy.

The next expression of public sentiment in Pennsylvania, in reference to the surplus revenue, will be found in the proceedings of our Legislature, when Clay's land bill was under discussion in this House during the session of 1832-'3. It was a subject which elicited the attention and addressed itself to the judgment of every legislator; one in which it became the duty of the representative to ascertain and proclaim the opinion and wishes of his constituents. On this absorbing question there was no mistaking the popular will; the same pervading sentiment existed throughout the Commonwealth that prevailed in 1831; and again we find the Legislature of Pennsylvania speaking emphatically, and with great unanimity, the same language that they had formerly used.

The proceeds of the public lands would, in a short time, be no longer necessary to defray our national burdens; and the question of distribution among the States addressed itself to their consideration; they accordingly imbodied their sentiments in the following preamble and resolution:

"Whereas the period is fast approaching when, by means of the revenue arising from bank stock, the duties on imports, and the public lands, the national debt will be extinguished, and there will be a surplus in the national Treasury, after defraying the ordinary expenses of Government: And whereas the United States acquired their title to, and jurisdiction over, the public lands by the cessions of several of the States, made for the common benefit of the Union, and by purchase out of the funds of the General Government, and the said lands thus acquired form a part of the national stock, and furnish an important branch of the public revenues applicable to the relief of the public burdens: And whereas, on the extinguishment of the public debt of the United States, the revenues drawn from the sale of the public lands will be no longer required for the purposes of the General Government, and it is right and proper that they should be distributed among the several States: And whereas the distribution of the surplus proceeds arising from the sale of the public lands involves a question of national property and national policy, on which it is proper for the constituted authorities of the State to express an opinion: Therefore, be it

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania,* That, in the opinion of this Legislature, the proceeds of the public lands of the United States, when no longer required for the payment of the public debt, ought to be distributed among the several States of the Union, in just and equitable proportions; and any proper measure calculated to effect this object will meet our cordial approbation."

"Approved, 26th February, 1833."

This preamble and resolution were laid before Congress on the 1st of March, 1833, and on the next day the final question was taken on the land bill; and although the Pennsylvania delegation in Congress were not bound by this expression of the State Legislature, as they were equally the immediate representatives of the people, yet it is remarkable with what unusual unanimity the whole delegation (save one from the city of Philadelphia) gave their votes in favor of the bill providing for the distribution of the proceeds of the public lands.

At the next session the President gave his reasons at length in opposition to the bill, which he had been prevented from doing before, owing to the lateness of the session at which it passed. Whether he was right or wrong, it is not my purpose now to inquire, as the present plan of disposing of the surplus renders the inquiry wholly unnecessary at this time. Nor do I wish to be understood to say that I approve of raising money from the sales of public lands, or from a tariff on imports, for the purpose of distributing it among the States; on the contrary, I believe that the States ought not to look to the National Government for pecuniary aid; they should depend on their own resources to carry on their improvements and supply their several wants. But a number of causes have combined to swell the funds of the public Treasury to an extravagant amount, and the question naturally arises, what shall be done with the surplus beyond the immediate necessities of the country? If it remains dormant in the banks, its accumulation will embarrass trade and seriously affect the mercantile community. If loaned to individuals in the vicinity of the deposite banks, the benefits to result will at least be partial. If squandered on public national works, it would in all probability lead to a wasteful extravagance. The safest and most judicious course would seem to be, to deposite the excess with the States, and to provide that in future the revenues of the country shall not be suffered to accumulate beyond the wants of the Government.

I have referred to the proceedings of our State Legislature, and to the votes of my predecessors here, to show the cordial understanding that existed in favor of distribution, while the destinies of Pennsylvania were in the hands of those who were the warm and devoted friends of the present national Executive; but before I conclude, in order to show that all parties concur in these sentiments, let me call the attention of the committee to what has been done since the sceptre has departed from the democracy of our State, and been placed in hands in which, although I possess little confidence, and therefore pay but slight attention to their request, yet, as emanating from a majority of the State Legislature, it merits a proper and respectful consideration.

On the 15th of March, 1836, the following preamble and resolution passed the Legislature of Pennsylvania, and were transmitted by the Governor to the delegation in Congress:

"Whereas, by the official statements from the Treasury Department of the United States, it appears there will be an unappropriated balance in the Treasury, above the ordinary demands of the Government, subject to the action of Congress during the present session: And whereas it is presumed that the wisdom of Congress will not suffer the fund to accumulate in the Treasury, without devising means by which it can be usefully employed for the benefit of the people of this Union: And whereas some of our sister States deny to Congress the constitutional power of making internal improvements in the several States, while all seem to admit the power and propriety of distributing the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, subject to the control of their respective Legislatures: And whereas the proportion to which Pennsylvania would be entitled, should such distribution be made, would enable her to complete her public works, and establish a fund for the support of common schools, which would preclude the necessity of taxation for either purpose: And whereas it is the policy of our Government to guard against the increase of executive patronage, and especially against the accumulation of large sums of money in the Treasury unappropriated: And whereas a very large proportion of surplus revenue arises from the sales of the public lands, the joint property of all the States, which is regarded as a source of revenue which ought to be applied in the promotion of education, by establishing a system of common schools, to the purposes of internal improvement, or such purposes as will best promote the interests of the States, respectively: Therefore,

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That our Senators in Congress be instructed, and our Representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, in proportion to the number of members from each State in the House of Representatives of the United States."

Not content, however, with these instructions and recommendations in relation to the public lands, the same Legislature, only a few days since, at an extra session, again directed our attention to the distribution of the surplus revenue.

On the 16th June, 1836, resolutions were passed, from which I select those which have a particular reference to the subject before the committee. They are as follows:

"*Resolved,* That this General Assembly consider the proposition lately made in the Congress of the United States to invest the surplus revenue of the nation in stocks issued by the States, as a measure fraught with danger, calculated to give the Federal Government a power which, if wielded by corrupt hands, would be inimical to the liberties of the country in an eminent degree, and under all circumstances injurious. It may be properly characterized as one of those measures, 'in fiscal systems and arrangements which keeps a host of [commercial and] wealthy individuals imbodied and obedient to the mandates of the Treasury;' and it would give to the Federal Government a decided influence in the councils of such States as it might be thought expedient to win to its purposes. It would foster and encourage a system of gambling and speculation in stocks, giving to the agents of the Government the opportunity of employing the public money to promote private interests, to reward corrupt favorites, and to acquire an interest among the community, leading to servile devotion to those clothed with the power of the General Government.

"*Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to vote against any bill for investing the surplus revenue of the United States in stocks issued or authorized by the respective States, believing that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States."

Thus, Mr. Chairman, for a period of six years, whenever the subject has been agitated in Pennsylvania, we perceive a fpoweul, may I not say an overwhelming, expression of public sentiment in favor of distribution, whether of the proceeds of the public lands or other sources of revenue. This public sentiment, sanctioned and reiterated by so many Legislatures, it is my pride and pleasure to carry into effect, as far as my humble efforts will admit; and I do earnestly hope that the friends of the measure will unite with me and go for the proposed amendment. Unanimity is of the first importance in the present crisis. By adopting the proposition I have submitted, we may prevent opposition to the bill from any quarter, and this desirable object can only be attained by mutual concession and forbearance. The principles of distribution are not essentially changed, and the only important alterations are, that it makes the States depositories of the public money, instead of receivers on loan; that the certificates are not assignable, and bear no interest, instead of being subject to sale and transfer, and to the payment of interest after assignment; and that the money is to be restored to the national Treasury when required by the Government, instead of being redeemable at the pleasure of the respective States.

In a measure so deeply interesting to the country, we should not differ on minor points, if the principal object can be obtained. The situation of the nation is peculiarly embarrassing, because we have an overflowing Treasury, and the difficulty arises how to dispose of the money. Let us deposite it with the States in such manner that each may enjoy a share of its benefits—that each may be enabled to advance in prosperity and improvement with the other members of the confederacy:

"Grow with their growth, and strengthen with their strength."

These are the reasons by which I have been actuated in offering my amendment.

If a majority of the committee shall determine to reject the substitute, as a friend to the bill, I will still cling to its support, though I am fearful it will not become a law; but if the amendment be adopted, I feel confident that it will promote union and harmony in every quarter, and that the best, the fondest hopes of the friends of distribution will be realized. With these remarks, I submit my proposition to the consideration of the committee, and will cheerfully abide by the result.

Mr. **SPEIGHT** said he had heard it remarked that the amendment was proposed with a view of defeating the bill. Such was not the fact. It was offered in good faith, and went to obviate the objections of many members to the provisions of the bill, so as to secure their support. He would also appeal to the members of the large States not to press the amendment in relation to the representation in the Senate. It could make but a trifling variation of a few thousand dollars, and would give the large States nothing to brag of. He thought it would be the most important act of legislation of the session to pass the amendment, and he knew it would secure the votes of many persons now opposed to the bill.

Mr. **HARDIN** said, as the bill now stands, all States having ten members and under will be gainers by the bill. The States having ten members will, by the bill, receive one dollar and a half per head; if the amendment is made, all States having eleven members will have two dollars and a quarter per head. There were, he said, eighteen States having under ten members, and ten having over eleven members; and he thought the alteration would operate hardly upon some of the small States. After some observations upon the operation of the bill upon particular States, he thought it would, on the whole, operate as equally as any thing that could be devised. He had no great objection to the amendment, but he thought it better to take the original bill.

Mr. **PEARCE**, of Rhode Island, was in favor of the amendment, because he thought it would tend to prevent stockjobbing, which would take place in case the stock should be offered for sale by the Secretary of the Treasury. He referred to the amendment as respected the exclusion of the senatorial representation. He said the small States did not, in the House, stand upon an equal advantage, but in the Senate they had the greater power, numbering fifteen to nine in the representation; and if this provision had been made, as was right, with a view to the advantage of the small States, then it was not to be supposed they would give it up without discussion, and perhaps the bill would be lost, which he considered a much greater evil than the inequality of distribution. He then went into an examination of the effect of the bill and amendment upon several States, and thought it more proper to make the distribution upon federal numbers, according to the census of 1830. He thought, also, if some apparent injustice would be done to the large States by the original bill, still more would be done to the small States by adopting a different course.

Mr. P. gave way to permit Mr. **ANTHONY** to restore the words "Senate and," so as to remove the objection which had been raised; upon which Mr. P. took his seat.

Mr. **MILLER**, after some observations in favor of the bill, spoke of the different effect of the amendment, which would call upon the States to pledge their faith to pay the money upon the warrant of the Treasurer. He then adverted to the causes which had produced the surplus; and alluded to such a disposition of the public lands, and such a reduction of the tariff, as should prevent a recurrence of a similar state of things. He did not think any one could object to the proposition before the House.

Mr. **VINTON** moved to amend the amendment, so as to provide that the money should be called for by the Treasurer, only "for want of other money in the Treasury."

Mr. V. said, without the restriction, the Secretary of the Treasury might call for this money when there was still money in the Treasury, which he thought was not proper nor intended.

Mr. **LEWIS** said he was not in favor of the amendment proposed by the gentleman from Ohio, [Mr. Vinton,] because he considered the original amendment abundantly strong and guarded.

The question was then taken, and the amendment was lost.

Mr. **MASON**, of Virginia, said he was in favor of the amendment. He said it proposed to deposite the money with the States, subject to the draft of the Treasury, and such draft must be met in money, which made it purely a matter of deposite. The original bill created a State debt, which, if the General Government wanted the money, they must go into the market and sell, and it would forever after be irredeemable. He objected to this course, and thought the plan proposed in the amendment far better.

Mr. **GALBRAITH** was also in favor of the amendment. He was opposed to raising, in any way, a State stock, and he thought the amendment would render the bill more palatable to every portion of the country.

Mr. **MERCER** moved an amendment to the amendment, in order to provide for distribution, in proportion to federal numbers, according to the last census. Lost.

Mr. **MANN**, of New York, said he was reluctant to detain the committee, impatient as they were, but it was his imperious duty to oppose some of the provisions of the amendment. He held the principle of compromise in high respect, but he would not compromise the principles of the constitution. What were we about to do? To rack and destroy the principles of our confederation, and to consolidate the powers of the Government. The amendment was even more favorable to the States than the original proposition, for it gave the money, on deposite, without interest. He would not, without disregarding all sense of duty, support this compromise.

Mr. **PATTON** said he knew nothing about the compromise, who made it, or who was to ratify it; but he was unable to see any difference, in principle, between the amendment and the section as it stood in the bill. He should vote for the bill, even if the amendment should be adopted, seeing no more objection to one proposition than to the other.

Mr. **VANDERPOEL** said he should vote for the amendment, but not for the bill. But if the bill passed, as undoubtedly it would, by a large majority, he would rather have it passed in the form proposed by the gentleman from Pennsylvania. The amendment, it seemed to him, would be doing the thing in a little more direct form than the other mode proposed.

Mr. **ADAMS** took the floor; but, it being half past two o'clock, the committee rose, and the House took a recess till four o'clock.

Evening Session.

The deposite bill (from the Senate) being still under consideration—

The question pending being the motion proposed by Mr. Anthony, to substitute his proposition for the 13th section of the bill, and Mr. Anthony having modified his proposition so as to retain the ratio of distribution proposed by the Senate—

After a debate, in which Messrs. **ADAMS, GRANGER, SPEIGHT**, and **WISE**, took part,

Mr. **JARVIS** moved to amend the amendment by inserting, after the words "United States," the word "unappropriated." Lost.

Mr. **ANTHONY**, at the suggestion of Mr. **BRIGGS**, modified his amendment by inserting the words "to pledge the faith of the State for the safe keeping thereof."

After a few words from Messrs. **WISE** and **LOVE**, Mr. Anthony's amendment, as modified, was adopted: Yeas 123, nays 50.

Mr. **ADAMS** moved to strike out the first clause of the eighth section, and supported the motion with some remarks. Lost.

Mr. **MANN**, of New York, moved to strike out the words "and Senate," from the section as amended, so as to cause the surplus to be distributed according to federal numbers.

Mr. M. said that it was with the deepest reluctance that he felt constrained to trespass upon the time of the committee for one moment; and he assured them that nothing but the responsibility of the vote which he was about to give, in common with every gentleman upon the floor, a responsibility which he deemed greater than had fallen to the lot of a representative of the people since the ever-memorable 4th of July, 1776, could inspire him with courage to rise up in this excited House and ask them to pause—to hear before they strike—to reflect before they act; because that action may affect, for weal or for wo, the welfare of our country, beyond the age in which we live.

I am (said Mr. M.) assured by every thing before me, by the very impatience of honorable gentlemen to divide the golden prize, that I am asking their attention when it is inconvenient for them to give it to me; yet their courtesy to me has thus far been such as will compel me to omit saying much that I have intended for this occasion, and to touch but briefly only a few points which I shall claim the right to illustrate more fully in the remarks I intend to submit through the press to my constituents. Mr. Chairman, (said Mr. M.,) I am informed that this substitute for the 13th section of the bill, as it came down from the Senate, is the result of a compromise among the friends of the administration upon this floor, and that it equally meets the views of many of its opponents. Under these circumstances, Mr. M. had examined it with a heartfelt desire to yield his assent to it if possible. He would sacrifice as much to the spirit of compromise as was possible for him in cases of disagreement; and, where no great principle was involved, would always freely and willingly surrender his poor opinion to the better judgment of his cotemporaries. But, sir, (said Mr. M.,) there is a point, beyond which to go becomes a crime against God and man; and he feared that we were now approaching that very point. No considerations of mere temporary advantage or inconvenience should have any influence upon us to violate the boundaries of the constitution, which is the panoply and shield of our Union. But I am told that this measure is merely to deposite the surplus revenues of this Government with the States, to be drawn for at pleasure as an ordinary deposite, and therefore is not liable to any constitutional objection.

I am aware, sir, (said Mr. M.,) that such is the form of the provision; but who among us does not feel and know that to this provision is annexed a mental (I will not say a fraudulent) reservation, that the money is never to be returned to our Treasury? The States are to be the recipients of your bounty, by a violation, as I intend to show, of the spirit of your constitution, under "false pretences." I am, sir, bound to speak boldly on this occasion, and call things by their right names. We are dividing the spoils of a vanquished friend, the constitution—the spoils of a vanquished country—among our allies, the States, to purchase and secure their allegiance and fidelity to that constitution which ourselves will have trampled under our unholy feet, until ere long it will cease to be a barrier to the accomplishment of any purposes which, to honorable members of this House, may seem necessary or expedient. Such has been the fate of other and perhaps all written constitutions; but the hopes of patriotism had, until recently, rendered ours immortal. Vain hopes! the patriot will exclaim, how often and how surely are they swept away! Sir, (said Mr. M.,) who does not know and feel that this measure is, and is intended to be, a distribution of the surplus revenues among the States, from whose people it has been drawn by taxation? It is nominally a deposite with the States, but it brings to my recollection the doings of the honest Quakers of Pennsylvania, who, in their colonial condition, were sometimes embarrassed by their principles when it was necessary to make appropriations to buy powder to carry on the war waged by the white man against the poor Indian. Their bill expressed the appropriation to be "to purchase bread, flour, wheat, or other grains;" under which, by construction, powder was purchased, as "other grains," without objection; and when they wanted cannon, they gave money to buy "a fire engine!" Now, sir, I have no idea, in this enlightened age, of resorting to such pitiful expedients of construction to escape the fair import and meaning of the constitution, which has given no power to this Government to collect money by taxation, to be returned to those from whom it is collected. Do the people desire us to levy taxes under the taxing power, and appoint and pay officers to collect the money, and pay these officers to return it back again? No answer can be necessary to this inquiry, as it is preposterous to suppose it. But I am told we have got the money, and cannot do any thing with it, except return it. Strange, indeed, must be our condition, if this be so. The common-sense remedy is to keep this money until your Government shall need it, and reduce your taxes to prevent drawing more from the people than is necessary for the support of Government.

Shall I be told that we are in a condition where our people cannot bear a reduction of taxes? If I am, I would not condescend to argue such a proposition for one moment. I proceed to allude to the probable consequences of this "dividing of the spoils;" and here, sir, we are only permitted to divine the future by the past. It appears to me, (said Mr. M.,) that you will destroy the balances which now happily exist between the General and State Governments, under the constitution, either, upon the one hand, by causing the States to become your beneficiaries, and servile dependants upon your bounty, like Roman provinces, with a sycophantic Governor, sent out from the corruptions of the Roman capital; or, on the other, of rendering the General Government too weak and feeble to accomplish the purposes for which it was created, dependent upon the will of the States, expressed by their representatives, always under the influence of a State cupidity, which denies to it all relief and support, for the purpose of increasing the revenues of their States, like the Government under the confederacy, after the declaration of our independence, and before the formation and adoption of the constitution. To prevent such a vibration in our political system, we must be careful to preserve the balances of that system. This latter consequence, I admit, is not so likely to happen as the former, because power begets power, and this Government is now, as compared with the States, all in all! The danger is towards consolidation of this Union under one great central Government, with dependent provinces, not unlike those of the Chinese empire. But, Mr. Chairman, (said Mr. M.,) time will not permit me to pursue this consideration of consequences, likely either presently or remotely to follow the adoption of this measure. We have, I fear, fallen upon evil times; yet I will not despair of the republic. We have passed safely through trials as dangerous as those now before us. Immediately upon the adoption of the constitution, the rage of unregulated and unrestrained speculation, under the auspices of the party then in power, found its way into Congress and into the Government.

The depreciated scrip issued by the Government to the army, for their dues, and to the public creditors, found its way, by great sacrifices of the people, into the hands of the public men of that day, together with bounty land certificates and other evidences of public engagement; and it resulted in the passage of the celebrated funding law of 1790, by which such scrip was funded upon certain favorable principles against the United States at six per cent., in favor, as is believed, of many persons who then held seats in Congress, and in their acquisition of large quantities of bounty lands beyond the Ohio. I do not mention this because I suppose there is at present a parallel between our condition and theirs, but because similar influences exist now throughout the country which may have their consequential effect here, and it has been supposed by some to have an influence in deciding the passage of this bill. I am told that public opinion requires this measure at our hands. I have, sir, (said Mr. M.,) seen no evidences of it; and when we review the important events of the last six months, we must hesitate before we conclude that public opinion has decreed in its favor. Gentlemen, I fear, are too much influenced by the opinions which surround the Capitol. When we assembled, it was supposed we were on the eve of a war with France, and the expectation was universal that all our revenues, and more too, would be swallowed up in that contest.

No intelligent citizen ever dreamed of division of the public revenues until after the month of February, when intelligence of the settlement of our affairs with that nation reached us. We then were engaged with the hostile Indians in Florida, and soon we had reason to apprehend the invasion of our territory by the Mexicans under Santa Anna, and then were involved in a war with the Creek Indians, which is now progressing almost unresisted by us, with unheard-of cruelty and success, on the part of those Indians. Under all these circumstances, to which the public mind has been constantly directed, few, but party politicians, having party objects to subserve, have expected or desired the distribution of the surplus revenues among the States. Honorable members will deceive themselves, and be mistaken, if they suppose that that great public opinion, which is alike the arbiter of the fate of the Government and country, has in any manner settled the question in favor of distribution.

But, Mr. Chairman, (said Mr. M.,) I am compelled to forego the extension of my remarks upon this branch of the discussion, and ask the attention of the committee to the ratio of deposite among the States established by this bill, for I will here call it deposite, so as to suit the ears of honorable members who have nervous sensibilities whenever I call it a distribution, (though I believe "it is rhubarb, call it what you will.") This ratio is so unjust that I should be recreant to the State which, in a very humble part, I have the honor to represent, if I did not here now enter my most solemn protest against it. It does not proceed upon the basis of population or popular representation, but upon the basis of the representation in the Senate as well as this House. It violates plainly and palpably the very principle upon which the revolution which secured our independence proceeded, that representation and taxation should go together; or, in other words, that the people could not be rightfully taxed without their consent, expressed through their representatives.

In accordance with this general principle, our constitution has provided that "all duties, imposts, and excises, shall be uniform throughout the United States." It also provides that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken;" that is, "by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." These provisions were introduced to insure a taxation as equal as may be upon all the States, and upon all the people of the United States. Now, sir, in exercising this taxing power, thus restricted, a surplus, as it is contended by those who favor this bill, has been brought into the Treasury, which it is estimated by some will amount, on the 1st of January next, to more than thirty-five millions of dollars, leaving at least thirty millions to be distributed. Sir, according to the principles of taxation laid down in the constitution, it is to be presumed that this sum has been contributed by the people of the several States in proportion to their representation in the House of Representatives, and in that proportion belongs to them as parties and partners in the confederation of States.

This act, sir, introduces a different ratio of distribution, and proposes to return the money to the States, not in proportion to the representation in the House of Representatives, the basis upon which it has been collected, but in proportion to the representation in both Houses of Congress. If we assume that the amount to be distributed will be thirty millions of dollars, the proportion raised upon each State upon the constitutional basis, and the proportion to be distributed to each under this bill, is shown in a table,* which has been prepared with, I believe, great care and accuracy.

The money in the Treasury of the United States is the produce of the sales of the national property and taxes, which, when direct, are, by the constitution, to be laid upon the States in proportion of their respective populations, as fixed by the census; and when indirect, are to preserve the great constitutional principle of the graduation of taxation, according to the representation, to be assumed to operate in the same way upon the States. Hence the support of Government by indirect taxation must be supposed to fall uniformly upon the people of the States. If New York contains one sixth of the represented population of the United States, she must pay one sixth of any given amount, say thirty millions, of direct taxes laid by Congress, and one sixth of the same amount of duties upon foreign goods imported into the Union. The fundamental principle of taxation being as is stated above, unless it is denied (as it is not supposed it will be) that the indirect taxation by duties is unequally, and in some sense unconstitutionally, borne by the people and States, then the above conclusion must be regarded as correct. A surplus in the Treasury on the 1st January, 1837, is alleged. It is the result chiefly of duties on foreign goods. Supposing it to be thirty millions, the following table will show the amount which each State contributed to it, and the amount which the bill of the Senate, as amended by the committee, proposes to return to each State. The table is formed by dividing thirty millions by 242, the whole number of the House of Representatives, which produces 123,966.222242, or say 123,967, (to avoid a small fraction.) This multiplied by the number of Representatives of each State, gives the amount contributed by each State. Dividing thirty millions by 294, the whole number of Senators and Representatives, we have 102,040.240294, or say 102,041, (to avoid a small fraction.) Multiplying the last sum by the whole number of Senators and Representatives of each State, we have the amount which each State will get by the provisions of the Senate's bill. The two last columns show the gain and loss of each State, throwing out of view the loss common to all in the expenses of collecting so large a sum from the people, to be returned to them again.

Can it be doubted, sir, that in the collection and distribution of moneys in this manner, the purpose of the constitution, in attempting to equalise and fix the ratio of the public burdens, is palpably violated and defeated?

The State of Delaware, having one representative, has contributed one two hundred and forty-second part of the thirty millions, equal to $123,967; but as her Senators are taken into the ratio of distribution, she is to have deposited with her by this bill three two hundred and ninety-fourth parts, equal to $306,123; and she will receive $183,156 more than she has contributed to this fund. On the other hand, Virginia having contributed twenty-one two hundred and forty-second parts, equal to $2,603,307, will receive twenty-three two hundred and ninety-fourth parts, equal to $2, 346,943, making a loss to her of $256,364. The loss of Pennsylvania, upon the same basis, will be $409,843; that of New York $662,958. The eight large States which lose by this ratio have one hundred and thirty-nine members upon this floor, while the eighteen smaller States, which gain, have but one hundred and three members. Thus the small States, having the power in the Senate, overcome the large States in this House having superior numbers. Now, Mr. Chairman, what are the restrictions of the constitution, which declare that all duties, taxes, and excises, shall be equal, worth, if, after raising money upon this basis, Congress may return (deposite) to one or more of the States twice as much as she pays? And what would be the use of adopting the federal numbers as the basis of direct taxation, if Congress, after raising money in that ratio, may return it to the States in a ratio arbitrarily adopted by themselves, and altogether different? It is palpable that by this process the provisions of the constitution, which were designed to make taxation equal on all the people of all the States, are, so far as this bill goes, rendered nugatory and of no effect. But, sir, the unconstitutionality of the object which this bill is intended to effect is aggravated by its injustice.

I have shown that in the distribution (deposite) of thirty millions of dollars, the State of Delaware will receive $182,156 more than she has paid, and Virginia will receive $256,364 less. The consequence is, that Virginia is taxed $256,364, not to support her own Government, nor to support the Federal Government, but to support the Government of Delaware and the other small States. For the same purpose, sir, New York will be taxed $662,956, and Pennsylvania $409,846, and Ohio $212,512.

Not only is this result most unjust in itself, but it is in palpable violation of the whole scope of the constitution, so far as it relates to the collection and disbursement of the public moneys; and it can readily be perceived that, by the operation of such a scheme, the people of the small States may in effect be relieved from taxation altogether, not only for the support of this Government, but for the support of their own Governments. In proportion to the increase of the tariff, and other taxes levied by Congress on the people of the United States, would their burdens be diminished by a return to them of a greater surplus, until the amount returned would be greater than the whole amount by them paid; and the larger States would in fact be taxed to support their Governments, make their roads and canals, and sustain all their systems of improvement and education. Important advantages were secured to the small States by the constitution, but this is not one of them. The large States agreed, by the compact, to contribute their just proportion for the support of the General Government; but they did not agree to be taxed to support the Governments of the small States, and all the expensive systems of improvement or education which they might think proper to adopt. To compel them to do so by any species of legislation is to impose upon them burdens which they did not agree to bear, and is, in my opinion at least, in direct violation of the spirit, if not of the letter of the federal compact. How any Senator or member of this House from the large States can reconcile his vote for this bill with his own sense of justice to his State or constituents, to his own conscience, under high and solemn obligations to support the constitution, I am utterly at a loss to perceive. It is said, I know, in justification of this ratio, that the population of the new States has increased since the census by which the last apportionment was made, and that as to them it does no more than justice. I admit that the eight new States may be entitled to an increased share, in consideration of their increase of population, equal to 10 or 12 per cent.; but I do not perceive the propriety of giving to the ten original small States such immense advantages as I have shown they will obtain, merely for the purpose of giving to those new States an increase. I will, sir, at the proper time, propose an amendment to the bill, to make a discrimination of 10 per cent. in favor of the new States, because I believe that justice to them requires it.

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* See end of speech.

I know, Mr. Chairman, (said Mr. M.,) that gentlemen try to persuade themselves that this is a deposite with the States, and is therefore more safe than in the deposite banks. If I could be brought to believe this in good and honest faith, if I could be made to believe that it was even intended ever to restore the money to the Treasury, I should entertain less apprehension, though I would not then vote for the bill, because I would never consent to create the permanent relation of debtor and creditor, or of bailor and bailee, between the States and the General Government.

How and when, sir, is this money to be restored to our Treasury? Is it expected that Congress will compel the States to levy a direct tax upon their people, to repay it? Those who will candidly say they believe that the States will do so, must disregard all the known principles of human action. Congress will have a more ready means to replenish their coffers—by a new American system, by a new tariff of duties upon imports—and I wish honorable members from the South, who go for this bill, to remember that I now tell them plainly, that they will thereby bring upon themselves all the evils, imaginary or otherwise, of which they have lately complained so loudly.

They will have no just ground of resistance, and must surrender to the supreme law of necessity, which they will now establish. Let them not complain hereafter of such burdens, and I beg them not to admonish me any further of their strict construction and State right doctrines, nor of their hair-splitting distinctions upon constitutional law. Where, sir, are all our great defenders of the constitution? Have they disappeared from these halls, under the influence of gold? "Tell it not in Gath!"

Table referred to in page 4363.

States.	No. of Rep's.	Am't contributed.	Am't to be returned.	Gain.	Loss.
Maine	8	991,736	1,020,410	28,674	
N. Hampshire	5	619,835	764,218	94,452	
Massachusetts	12	1,487,604	1,428,574	-	59,030
Rhode Island	2	247,934	408,164	160,230	
Connecticut	6	743,802	816,328	72,526	
Vermont	5	619,835	714,218	94,452	
New York	40	4,958,680	4,285,722	-	662,958
New Jersey	6	743,802	816,328	72,526	
Pennsylvania	28	3,471,076	3,061,230	-	409,846
Delaware	1	123,967	306,123	182,156	
Maryland	8	991,736	1,020,410	28,674	
Virginia	21	2,603,307	2,346,943	-	256,364
North Carolina	13	1,611,571	1,530,615	-	80,956
South Carolina	9	1,115,703	1,122,451	6,748	
Georgia	9	1,115,703	1,122,451	6,748	
Kentucky	13	1,611,571	1,530,615	-	80,956
Tennessee	13	1,611,571	1,530,615	-	80,956
Ohio	19	2,355,373	2,142,861	-	212,512
Louisiana	3	371,901	510,205	138,304	
Indiana	7	867,769	918,369	40,600	
Mississippi	2	247,924	408,164	160,230	
Illinois	3	371,901	510,205	138,340	
Alabama	5	619,835	714,218	94,452	
Missouri	2	247,934	408,164	160,230	
Michigan	1	123,967	306,123	182,156	
Arkansas	1	123,967	306,123	182,156	

Mr. Mann finally withdrew his amendment, at the request of Mr. Mercer and others, and gave notice that he would renew it in the House.

Mr. RIPLEY moved to amend the bill by adding to it sections regulating the management of the public lands, and providing that the land sales be suspended for five years.

The CHAIR decided that the motion was out of order, being incongruous with the bill.

Mr. RIPLEY said his purpose was not to defeat the bill, for no object was nearer his heart than to get the public money out of the hands of the deposite banks, where, he was persuaded, it was doing much mischief. Companies, and large companies, were constantly forming to purchase, with means derived from the deposite banks, that fair and fertile land which was the birthright of every American citizen. Could it be wished to throw this territory into the hands of a few wealthy proprietors, and to increase the price of it for actual settlers from $1 25 to $20 or $30 an acre? Twenty millions of acres were to come into market this fall, the whole of which would be thrown into the hands of the capitalists and favorites of the deposite banks, to the entire exclusion of the actual settlers, and of the industrious class of the community.

Mr. R. appealed from the decision of the Chair.

Mr. CAMBRELENG briefly supported the appeal.

The decision of the Chair was sustained.

Mr. RENCHER moved to amend the bill by adding the following section:

And be it further enacted, That if the stock held by the United States in the Bank of the United States shall not be sold before the 1st of January next, the money arising from the said stock, when sold, shall be deposited according to the provisions of this bill, to wit: one fourth part upon the sale of the said stock, one fourth part in three months thereafter, one fourth part in six months thereafter, and the balance at the end of nine months.

Mr. R. said he did not intend to detain the committee, but he wished to make a few remarks in explanation of the additional section which he proposed to the bill. It would be recollected by the House that, during the present session, Congress had passed a law authorizing the Secretary of the Treasury to make sale, at such time as he may think proper, of the stock held by the Government in the Bank of the United States. He did not doubt but that the Secretary of the Treasury would make sale of this stock before the 1st of January next, if it could be done advantageously. But he might not think it proper to make sale of the stock till after the 1st of January; and if this should be the case, then there would be at least eight millions of dollars over and above the five millions provided for in this bill, which would not be brought into distribution. The amendment proposed provides for the distribution of the proceeds of the bank stock, if sold after the 1st of January, in the same manner as it would be distributed under this bill, if sold before the 1st of January next. No money is to be distributed, except what is in the Treasury on the 1st of January, over and above five millions of dollars; and as this may not then be in the Treasury, he considered it important to provide for its distribution when brought in. It might make a difference of at least eight millions of dollars in the amount to be deposited with the States; and he hoped, therefore, the amendment would be adopted. He preferred that the States should have it, where it would be safe, and used for the benefit of the people, rather than placed in the State banks, where it might be unsafe, or improperly used. He could see no objection to the amendment, and hoped it would be adopted.

Mr. McKAY said the House had just passed a bill placing the whole power of the Government, in relation to the Government bank stock, in the hands of the Secretary of the Treasury. There was, therefore, no necessity for the amendment. The stock would be sold and distributed of course.

The amendment was rejected.

Mr. **DOUBLEDAY** rose and said:

Mr. Chairman: I wish to offer a very few remarks on that part of the bill which provides for depositing the surplus moneys in the Treasury with the several States of the Union. This is the first opportunity I have had of addressing the House during the present session; and differing as I do from many of my colleagues, I feel the more anxious to explain my views to the committee and to my constituents.

I am fully aware, Mr. Chairman, of the responsibility I incur by the vote I am about to give on this question. Never has a subject come before us more important or more embarrassing than this of disposing of the surplus revenues. Whilst the safeguards of private liberty remain, nearly all the good or ill the people can experience from our legislation will be by the imposition of burdens, and the disposition of the public moneys. I am not accountable—the friends with whom I act, the friends of the administration, are not accountable—for the great amount accumulated beyond the legitimate wants of the Government. I held a seat on this floor in 1833, when the tariff question was adjusted. I voted with the friends of the administration to reduce the duties prospectively, but rapidly, till the revenue should be brought down to the expenditures of the country. We were overruled by the ultra friends and the ultra opponents of the protective system, who, by acting together, could control at least one branch of Congress. To preserve the Union, we were compelled to assent to a measure which now clogs our action, and which, being claimed as a compromise, prevents our adapting our legislation to existing circumstances.

It must be quite evident that no measure will be adopted by this Congress materially to diminish the amount of money already in the Treasury; and unless our appropriations are extravagant, there will probably be some accumulations till the year 1840. The question arises, what shall we do with this money? I confess I can see no plan wholly free from objections. If we determine to leave it in the deposite banks for three or four years, they will feel authorized to use it as so much capital, and its safety will depend on the honesty of bank managers, and the prudence and success of their business operations. Being men, in these money-making times, some of them may be tempted to use it for their individual advantage; and even statesmen, now pure, may, in time, be drawn to share the profits. The public money will then be subject to all the contingencies of private speculation, and what is worse, will be a means of corruption more potent than any that has heretofore existed in this country.

To avoid such results, I would certainly vote for the most extravagant expenditures, if no better plan could be suggested. But ought we thus to waste the money earned and paid by the industrious classes? I think, sir, we should hesitate before we make that our only alternative. It is said, if this measure be adopted, the people, through their representatives, will hereafter refuse the appropriations necessary for national objects. It may be so, sir; but, on the other hand, confident I am, if it be not adopted, we shall rapidly run into a system of the most wasteful extravagance.

I have examined this bill with the more attention, because I have the misfortune to differ from many of my political friends, in whose judgment and patriotism I have great confidence. I hope they, also, will reflect and discriminate. They must perceive that the bill, as amended, provides, not only in form, but in fact, not for a distribution, but simply for a deposite of the public moneys. If it ever results in gratuitous distribution, it will not be by any action of ours. It can only happen, in case it shall be so decreed by the people, through their representatives hereafter to be chosen. To suppose the people are not to be trusted, because they may decide wrong, is to deny their capacity for self-government.

As respects the constitutional question involved in this bill, it is not necessary for me to say much. That it is as constitutional to deposite our surplus funds with the States, as with corporations created by the States, admits not of a doubt or cavil. Nor can I doubt that the State Governments will vest the money intrusted to their care as safely and advantageously for the people as either this Government or the moneyed corporations. And certainly if any profit is to be derived from a temporary use of it, when not wanted for national purposes, it might as well accrue to the States as to individuals or corporations.

There is one ground on which I would appeal to the friends of the administration. We have discontinued the United States Bank, as a dangerous institution, and determined to use the State banks, for collecting, transferring, and disbursing, the public revenues. This is peculiarly an administration measure, and one which has my hearty concurrence. Now, it must be plain that leaving money for three or four years in the banks will endanger its safe keeping. Some of the bank managers may make large profits by using the public moneys; others may experience heavy losses, causing bank failures. If a few of the deposite banks fail, the people will lose confidence in the present system, and in those to whom it owes its adoption. If a small amount only be left in the banks, as it will be frequently called for by the public, they will loan it out only for short periods, and losses will probably not occur, or if they do, the amount will be comparatively trifling.

These are a few of my reasons for supporting this bill. I should like to say much more, but do not feel justified in longer occupying the time of the committee at this period of the session.

Mr. **BEALE** moved to amend the eleventh section by inserting, after the word "quarter," the following: "and that no bank shall possess of the public money, at any time, for more than one quarter of the year, a sum greater than one fourth of its capital stock paid in; and that it shall be the duty of the Secretary of the Treasury to make distribution or deposite of such excess in other banks, agreeably to the provisions of this act." Lost.

Mr. **DROMGOOLE** then moved to strike out the 13th, 14th, and 15th sections of the bill. Lost.

Mr. **ASH** moved the following, as an additional section: "*And be it further enacted by the authority aforesaid,* That it be recommended to the several States accepting of parts of the public money as aforesaid, to appropriate the same for the purposes of education." Lost.

Mr. **McKAY** moved to amend the eleventh section by inserting, after the word "Treasurer," the words "and other public officers." Lost.

On motion of Mr. **BRIGGS**, the committee then rose and reported the bill, as amended, to the House.

The Speaker having resumed the chair, the bill was then taken up in the House.

Mr. **MERCER** then renewed the amendment which he had offered in Committee of the Whole, namely: to strike out, "in proportion to their representation in the Senate and House of Representatives," and insert, "in proportion to their respective federal numbers, according to the last census."

On this motion Mr. **MERCER** called for the yeas and nays; which were ordered.

Mr. **VINTON** said that if no amendment had been made to the bill, he would have been content to let it pass into a law in the form in which it came from the Senate, sooner than delay or endanger its passage by the adoption of any amendment in this House. But the amendment adopted by the Committee of the Whole on the state of the Union rendering its return to the Senate necessary, he was disposed, if the bill must be changed, to arrange the details of the distribution among the States according to the principles of justice and equality. To decide what justice and equality among the States required of us, he should assume the bill to mean what every gentleman here knows and understands its object and intent to be. He should consider it as a bill intended to get rid of the surplus in the Treasury, by making a gift of it to the States. Now, it would seem to be a very plain principle, that if we undertake in this way to divide out among the people of the United States their money, the distribution ought to be by the same rule and the same ratio by which you would collect this money from the people by taxation. The amendment proposed by the gentleman from Virginia conforms to that rule. If the question now were whether we should raise this money by a tax on the people of the United States, instead of the question whether we shall distribute it among them, the representative population of the several States according to the last census would be the rule fixed by the constitution, by which we should be compelled to apportion the tax. This rule subjects a citizen of one State, whether that State be great or small, to precisely the same burden, and no more, than is imposed on a citizen of every other State. It is a rule uniform, equal, and universal in its application. Let us look for a moment into the practical operation of the rule which divides this money among the States according to their representation in the two Houses of Congress, and we shall see whether it goes on a principle of equality. Take two of the great sections of the country lying adjacent to each other—New England and New York: the former has thirty-eight Representatives on this floor, and the latter forty. But if you add the twelve Senators of New England to her thirty-eight Representatives, as this bill proposes, you will give to New England, if the sum to be distributed should be as large as it is generally believed it will be, something like six hundred thousand dollars more than New York will receive. And for the same number of people, they will receive in New England about five hundred thousand dollars more than the people of Pennsylvania, and about three hundred thousand more than the people of Ohio. As between these sections of country, the difference in favor of New England over New York is from twenty to five-and-twenty per cent.; over Pennsylvania, from seventeen to twenty; over Virginia, about fifteen; over Ohio, about twelve or thirteen; and over Kentucky, Tennessee, and North Carolina, from seven to ten per cent.

The gentlemen from New England appear to understand very well the advantage which this principle of distribution gives them, as is evinced by the fact of their coming up almost in a solid body in the Committee of the Whole on the state of the Union, to vote against the amendment proposed by the gentleman from Virginia. He did not state this as matter of accusation against them, or of complaint; but it certainly was a good reason why the large States should look to it, and protect themselves, so far as to get their proper proportion, and more than that they ought not to ask for. I have spoken of New England as a whole, taken collectively. Among the New England States, the interest of Massachusetts is in favor of the amendment proposed by the gentleman from Virginia. In respect to the other five New England States, therefore, the advantage they get by the bill is much greater over the large States than the difference before stated. The gentleman from Rhode Island [Mr. Pearce] made a speech against changing this part of the bill. He thinks it very just as it is. When the last census of the United States was taken, no one here imagined that the ratio of representation would be fixed at less than fifty thousand. But it turned out that Rhode Island wanted a small fraction of a hundred thousand inhabitants. It was thought to be a hard case, as it truly was, to take from that State one of her two Representatives, and leave her with a single member and a large unrepresented portion of population. To save her from this misfortune, Congress, out of sheer sympathy for her case, reduced the ratio below fifty thousand, and fixed it at a number which gave her two members, and left her with one of the smallest, if not quite the least unrepresented fraction of any State in the Union. Now, when Rhode Island shall be permitted to count her two Representatives and her two Senators in the distribution, the result will be that the people of Rhode Island will receive from the Treasury, man for man, two dollars for one received by the people of Ohio; and indeed they will get something more than two to one, for Ohio has a large unrepresented fraction of near forty thousand.

Now, Mr. Speaker, if the proposition were to lay a tax on the people to raise the money we are about to divide out among them, and it should be proposed that a citizen of Rhode Island should be taxed twice as much as a citizen of Ohio or Pennsylvania, the gentleman from Rhode Island would probably very soon see the point of the argument, and feel the true value of the rule which he now thinks is a rule of justice. No good reason for this inequality of benefit under the bill can be given in favor of Rhode Island; and, on that account, the gentleman travels very far from home in search of an argument in justification of it. He tells us that the new States have, since the last census was taken, increased greatly in population, and the constitutional mode of distribution would, therefore, be a hardship upon them. That argument would not justify us in extending the principle beyond those States whose population had increased so as to call for its application. And that certainly is not the fact in respect to the small States of New England. As to the new States, they ought to remember that the laws which have produced the surplus in the Treasury were in full operation and produced this effect before most of this excess of population came to them, and while it was yet a portion of the population of the old States. The new States are all destined very soon to take rank among the large States. As the rule now adopted will be likely to be adhered to in similar cases hereafter, they, in the long run, have more to lose than to gain by the principles of the bill.

And here, Mr. Speaker, let me return again to the State of Ohio, and see what will be its operation there. In the first place, the State of Ohio has very greatly increased in population since the last census. While you propose to compensate the small States for their increase, the bill withholds a like compensation from Ohio. Here, then, is the first item of loss she suffers. In the next place, the land bill gave to Ohio, as well as to the other new States, ten per cent. on the nett amount of the sales of the public land. That item, which for the present year alone would be equal to two hundred thousand dollars, or near that sum, is also lost to the State under this bill. And last of all comes this inequality, arising from counting the Senators in the distribution, by which an equal number of people in the five New England States, exclusive of Massachusetts, will receive, in a division of twenty millions, full four hundred thousand dollars more than the people of Ohio.

For one, (Mr. V. said,) he did not see the justice of this; and he was not willing for it to be so. If the small States have an advantage over the large ones, in their greater relative representation in the Senate, (and it certainly is a very great advantage,) they ought to be satisfied with that; and least of all could it be adduced as any just reason why they should also have a pecuniary advantage over the people of the large States.

He hoped the growing prosperity of the country would from time to time give us other surpluses for division. It was therefore of importance that the principle of distribution should be properly adjusted at the present time. The rule would in future be regarded as established, and such, at least, would be the force of this precedent, that, if broken down at all hereafter, it could only be done by great effort, and would probably occasion a dissatisfaction that otherwise would never be felt. On raising money by duties and taxes, all the citizens of the United States are assessed alike, and by the same rule, whether they live in the large or small States. It is by this rule the money has been collected into the Treasury, and it is but a principle of the plainest justice on the part of the large States for them to require that this money should be divided out, dollar for dollar, and man for man, in every part of the Union. The large States ought not to demand more than their equal distributive share; less than that they ought, upon no consideration, to consent to receive.

Mr. **LANE** made an earnest and warm reply to the remarks of the gentleman from Ohio last up, and contended that, even upon the Senate's plan of distribution, the States of Illinois, Indiana, and Missouri, would lose much of the proper proportion of the surplus due to their greatly increasing population.

Mr. **MERCER** signified an intention to move to amend by allowing the new States ten per cent. in addition to their distributive share.

Mr. **MANN**, of New York, offered the following, as an amendment to the amendment of Mr. Mercer:

"And the respective shares of such deposite with the States of Louisiana, Mississippi, Alabama, Missouri, Illinois, and Indiana, shall be increased, respectively, ten per cent., in consideration of the increase of their respective population since the taking of said census; and in apportioning such deposites to the new States of Michigan and Arkansas, their federal numbers shall be taken and deemed to be sixty thousand persons."

Mr. **MERCER** accepted this as a modification, but subsequently withdrew it.

Mr. **LEWIS** thanked the gentleman from New York for his amendment; but, though it rendered the bill better for the new States, he warned gentlemen that they would lose the bill if they undertook greatly to amend it. He believed that the mode of distribution adopted was as fair as any that could be devised; and, even if Rhode Island and Delaware gained a little by it, it was but a small objection.

Mr. **ADAMS** said that the bill, as it stood, was, he believed, as fair as any that could be adopted by the House.

Mr. **ASHLEY** was, he said, in favor of sticking to the bill as it stood.

Mr. **JOHNSON**, of Louisiana, expressed the same sentiment.

The question was taken by yeas and nays on the motion to amend, offered by Mr. Mercer, and decided in the negative: Yeas 88, nays 119, as follows:

Yeas--Messrs. Chilton Allan, Anthony, Ash, Barton, Beale, Beaumont, Bockee, Bond, Bouldin, Bovee, Brown, William B. Calhoun, Cambreleng, John Chambers, Chapin, Childs, Coles, Connor, Crane, Denny, Doubleday, Dromgoole, Efner, Evans, Farlin, James Garland, Gillet, Graves, Hamer, Harper, S. S. Harrison, Hawkins, Hazeltine, Hiester, Hopkins, Howell, Huntington, Jarvis, Jos. Johnson, J. W. Jones, Lansing, Lay, G. Lee, J. Lee, Leonard, Logan, Love, Loyall, Lucas, Abijah Mann, J. Mann, J. Y. Mason, William Mason, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Moore, Morgan, Morris, Page, Patton, Peyton, Pinckney, Potts, Joseph Reynolds, Roane, Robertson, Rogers, Russell, W. B. Shepard, A. H. Shepperd, Shields, Sickles, Taliaferro, Taylor, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, L. Williams, S. Williams, Wise—88.

Nays—Messrs. Adams, Heman Allen, Ashley, Bailey, Bell, Boon, Borden, Boyd, Briggs, Buchanan, Bunch, Burns, John Calhoon, Carr, Carter, Casey, Chaney, Chapman, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Corwin, Craig, Cramer, Cushing, Cushman, Darlington, Deberry, Dickerson, Everett, Fairfield, Forester, French, Fry, Galbraith, R. Garland, Grantland, Grayson, Grennell, Griffin, Haley, Jos. Hall, Hannegan, Hard, Hardin, Harlan, A. G. Harrison, Hawes, Henderson, Hoar, Howard, Hubley, Hunt, Huntsman, Ingersoll, Ingham, Wm. Jackson, Jabez Jackson, Janes, Jenifer, R. M. Johnson, Cave Johnson, Henry Johnson, B. Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, T. Lee, L. Lea, Lewis, Lincoln, Lyon, Martin, Moses Mason, S. Mason, Maury, May, McCarty, McComas, McKennan, Miller, Milligan, Muhlenberg, Owens, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Reed, Rencher, John Reynolds, Ripley, Seymour, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Thomas, John Thomson, Toucey, Towns, Washington, White, E. Whittlesey, T. T. Whittlesey—119.

Mr. **LOVE** called for the yeas and nays on the amendment of the Committee of the Whole, which was the substitute for the thirteenth section; which were ordered.

At the suggestion of Messrs. **MORRIS** and **R. GARLAND**, the House concurred in several verbal amendments to the amendment.

Mr. **PARKS** then rose and addressed the Chair as follows:

Mr. Speaker: I am well aware of the determination of this House to pass the bill now before us, of its anxiety to do so immediately, and its unwillingness to listen to any remarks upon the subject. But, sir, as I intend to vote against this bill, whether amended as proposed or not, it is a duty I owe to myself as well as to my constituents to give, in a very succinct manner, some of the reasons which impel me to do so. I am well aware, sir, that I have no right to expect the attention of this House, indisposed as it is to listen to gentlemen far more able than myself, from any power of arguments that I can offer, or from ingenuity of arrangement, or any eloquence of manner with which I can enforce them; I can only hope for it, sir, from that kind courtesy which this House is ever willing to extend to one who seldom obtrudes his views upon them, and never long.

And, sir, in the first place, I beg leave to extend my thanks to the honorable gentleman from Ohio [Mr. Vinton] for the frankness with which he has spoken of this bill by what I conceive ought to be its title. In his remarks he observed he would speak of it "as every body here understands it," "as a donation to the States." That it is so, in truth and reality, is one of the reasons why I shall vote against it.

Sir, I deny the right of this Federal Government to raise money from the people, either by taxation or otherwise to be distributed among and given to the several States of this Union. I ask any one to lay his hand on the constitution, and point out this power—you will look in vain for it. Sir, it is not in the book, nor do I know that any one pretends that it exists. Gentlemen say, however, that by the operation of this bill and the amendment about to be adopted, no such thing as a donation to the States takes place, but that the treasuries of the several States are merely made depositories for the safe keeping, of the public moneys, in the same manner that certain local banks now are. This, sir, would be true, provided that it was intended or expected that the treasuries of the several States should ever be called upon to repay this money. Sir, every one within the hearing of my voice knows that such is not the expectation of a single member of this House who will vote for the bill, however different the final result may be. Do we not all know, if the present feeling of this House should be transmitted to future Congresses, that the first movement of the Secretary of the Treasury to call back a single cent of this miscalled deposite would be promptly prohibited by a large majority of both Houses of Congress? Can any man doubt that this would be the result? Let us, sir, look back to the days of the confederation, and remember with what difficulty money sufficient to support the Government of the then existing Congress was obtained from the States. When the requisitions were made, some would complain that their share of the general fund to be raised was too much; others would plead poverty, and agree to pay a part; others asked for time; and some, I believe, refused to pay at all. I believe, sir, that to this very day large sums of money are due, and unpaid, of the sums called for by the continental Congress; and what, sir, are we now about to do, but to resort to that very system, in theory, to avoid the evils of which the constitution of the United States was formed? Sir, in my view of the case, it would be better, when we have too much money on hand, to reduce the tariff, to relieve the hard-working people of this country from taxation, than thus to distribute it to the several States, to be expended by their Legislatures: a measure which I believe will be, like Pandora's box, but the mother of evils.

Mr. Speaker, a growing spirit of extravagance and speculation is pervading our whole country. Every man is seeking to live in some other manner than by the honest labor of his own hands. This spirit of speculation, if report speaks truly, has made rapid progress within these walls. The moment this money shall have been distributed, this spirit will fly to the council chambers of every State, and their legislative halls will exhibit such scenes of strife and contest as to who and what sections of the States shall obtain most of the public plunder, wrung, every cent of it, in some way or other, from the producing portions of the community, as I, for one, dread to look upon. But further, sir: the natural consequence and tendency of all this is to corrupt the people themselves. Its tendency will be to induce thousands to quit their happy, peaceful, and prosperous, though laborious avocations, to live and gorge on public plunder. If corruption heretofore has existed in high places, it has been confined to high places, and the people of the country have ever had the power, as they have always heretofore had the disposition, when discovered, to expel it. We ought always, sir, to remember that the truest maxim in political economy is to take no more money from the pockets of the people than is absolutely necessary for a safe and healthy administration of the General Government. By this bill, not content with overlooking that maxim ourselves, we are about to tempt every State Government to do the same. This large sum of money thus suddenly thrown into the treasuries of the States, to be disposed of by their Legislatures, will induce them to commence great and expensive works of internal improvement, which, when this money is exhausted, will be left in an incomplete and unfinished state, and heavy direct taxes will have to be laid upon the people of the several States to complete them, or they will apply to Congress for more money through their representatives.

Sir, the Treasury of the Union may not always be in as plethoric a state as it is now; and how, sir, will the deficiency be supplied? By an increase of the tariff, sir the tariff! And are the people of Maine prepared for this? Are the constituents of gentlemen from the South prepared for this? And to this complexion, if this system goes on, we must come at last. As I have before observed, many of the State Legislatures will be encouraged to launch forth upon internal improvements, which they will want money to complete; having got the taste of the public blood, they will not be satisfied with the first debauch; they will clamor for more; and the moment they find the public Treasury exhausted, they will demand that it shall be replenished from the pockets of the people by an increase of the tariff of duties, and in this they will be most willingly aided by the representatives of our venerable mother, Massachusetts, and by every manufacturer in this country. Do the gentlemen from South Carolina flatter themselves that their boasted compromise will save them? Let me tell those gentlemen that they will find it but a rope of sand, broken by the first blow of self-interest, and that blow given as soon as she will dare to do it.

In this manner, sir, taxes will be raised from the people by the Congress of the United States, to be expended under the direction of the State Legislatures, which those Legislatures would, under no circumstances, dare to raise themselves.

Having said thus much, Mr. Speaker, as to the operation of this bill upon the Union generally, permit me, sir, to make a few remarks upon the effect it will produce upon my own State, and the seaboard and commercial States.

Maine, a part of which I have the honor to represent, is from necessity an extensive commercial State. The coldness of her climate, the great abundance of her ship timber, and the sterility of her soil upon her seacoast, compel her to be so; and well has she fulfilled her destiny. Though among the smaller States of this Union, she has for many years been the third State in the Union as an owner of tonnage. Her canvass whitens every sea, her ships are borne onward by every breeze. We are, moreover, from our local situation, more exposed in our persons and property to the contingencies of war than any of the other States of the Union.

We are united to the rest of the Union but by a line of one hundred and thirty miles in extent, while we have a frontier on the British provinces of Lower Canada and New Brunswick, and on the ocean, of more than a thousand miles. As a member of the Union, thus remotely situated, and dangerously exposed, and thinly populated, but with more good harbors than in any State of the Union, I might almost say than in the whole Union besides, it might naturally have been expected that she would have been most especially the subject of the protection and regard of the General Government. How has it been? Let any member on this floor pass along our seaboard and our frontier, and his cheeks would mantle with shame at her neglected and exposed situation. There is not a city, a town, or a village, upon any part of her coast or rivers, but might be laid in ashes by the very smallest vessel of war that floats on the ocean. She seems to have been accepted as a member of the Union but to be insulted, abused, and neglected. Does a foreign enemy take possession of a part of the State, you quietly permit them to remain there till the war is over. Do you want to make a peace with a foreign Power with whom you are at war, you quietly cede to her a portion of our territory, under pretence that the line is in dispute, when that same Power, during the same negotiations, had demanded a cession of that very territory; thus acknowledging our title as we claimed it, and indeed as they had marked it upon every map of their adjacent provinces they had ever made. Our commerce is trammelled by an odious and oppressive tariff, and our whole seacoast, the most extensive, I believe, of any State in the Union, is left without protection or defence. Truly may I say, sir, we seem to have been received into the Union only to be derided and oppressed.

And what, sir, is to be our situation under the new state of things to commence with the passage of this bill? One evil, as I think I have fully demonstrated, is an eventual increase of the tariff, which will lay the axe at the root of the tree of our prosperity. Our navy, too, to which we might have looked for some protection in time of war, will no longer be increased. Our fortifications are to be stopped, or rather, as far as regards my own State, not commenced. At the very moment when, for the first time, we had engaged the attention of Congress, and when a bill providing for our defence had already passed the Senate, then comes this biting, chilling frost, and freezes up our hopes. But a few days since I was flattering myself with being able to return to the city of my home, and say to my fellow-citizens, you are no longer overlooked or neglected by the General Government: a bill has passed for your defence and protection; but, sir, I no longer cherish such delusive hopes. No one who was present when the news came to this House that this bill had passed another body in the other end of this Capitol, (the Senate,) and witnessed the effect produced upon members here, can doubt the result.

Sir, it is well known that there is a settled determination, on the part of a great majority of the members west of the Alleghany mountains, to grant no more money for the defence of the Atlantic frontier, either by the navy or by fortifications. Settled in the fertile valleys of the Ohio and Mississippi, with every blessing about them which heaven can bestow, they apparently care but little for the safety and protection of their brethren upon the rocky and steril seaboard, knowing full well that the war-cry of the enemy can never reach their ears, until the whole country east of the mountains shall have been covered and fertilized by the blood and bodies of their countrymen. And this, sir, is to be done for the sake of sharing among the States the money which ought to have been applied to far more noble and generous purposes. How far this is the spirit of patriotism, let the people judge. I hope, sir, I shall prove to have been mistaken in my expectations; experience alone can teach me that I am so.

I confess, sir, that I have been astonished, utterly astonished, that any one can be the advocate of or vote for this bill. I impeach the motives of none who differ from me in this matter. Their reasons for the course they take are good ones, probably, but I cannot imagine them. In Maine, at least, we have nothing to gain, but every thing to lose; our commerce probably to be eventually destroyed by an increasing tariff; our whole coast and frontier left without defence; the navy of our country, which might have protected our ships at sea, to be neglected and suffered to decay, and this, too, when we know it to be inferior to that of any third-rate Power in Europe. Sir, it cannot be forgotten, it was during this very session, but a few months since, when a war was feared with France, that it was declared over and over again, and contradicted by no one, that our navy was wholly unprepared to cope with that of France; and now national honor, national safety, the very first duties and obligations of this Government, the protection and defence of its citizens, are to give way, to be sacrificed to the base, grovelling love of money, and are to remain so sacrificed, until this ruinous, corrupting, and degrading system shall be abandoned. I hope, sir, and I but hope, that that may be soon the case; and if it ever be so, God grant that it may be so forever.

Mr. Speaker, I thank the House for the attention with which it has listened to me. I am well aware that I have probably not affected a single vote, but I have justified myself, I trust, to this House and to my constituents. At any rate, Mr. Speaker, I have a higher gratification than either can be to me. I have the consciousness that I am acting right; nor do I believe that there will be any act of my political life which, in after times, I shall reflect on with more pleasure than upon the vote I am now about to give.

Mr. GILLET then moved to amend the amendment by inserting, after the words "five millions of dollars," the words "over and above all unexpended balances of appropriations."

Mr. G. said he rose to offer an amendment in which he hoped to have the concurrence of the House. It was one which had not been discussed since we commenced the consideration of this bill. He well knew the impatience of the House, and its desire to close its action, as speedily as possible, on this interesting bill; and nothing but an imperious sense of duty induced him, at this late hour, even to offer an amendment. He must ask the attention of the House to a short explanation of the amendment. He proposed to insert after the words "five millions of dollars," in the commencement of the amended section, the words "over and above all unexpended appropriations." The object, it would be perceived, was to leave in the Treasury the unexpended appropriations, and also to keep five millions on hand to meet any sudden demand for money. If his memory served him rightly, when our sinking fund system was established, it was then esteemed good policy to keep in the Treasury a very considerable amount of money over and above the unexpended appropriations. It was then deemed important and proper to retain on hand, under the control of the executive branch of the Government, all the appropriated money, which, by virtue of law, became substantially pledged to meet those appropriations. If it was good policy then, it must be so now. He thought the honor and prosperity of the country, and the public service, required us to retain in the Treasury all the moneys which public considerations required us to appropriate. If such moneys are withdrawn from the ordinary depositories, it may occur that these appropriations may be wanted when no money can be controlled by the Treasury Department to meet them. Ought we to trust to any possible contingencies on this subject, when the action of the legislative branches of the Government has set apart certain portions of our treasure for public purposes? He believed there were now over five millions of dollars in the Treasury, being unexpended balances of the last year's appropriations. This sum is liable to be drawn for, at any time, when the proper evidences are furnished at the Department to entitle those rendering service to receive it. A much larger amount remained unexpended on the 1st of January last. It probably amounted to more than twice that sum, but he could not state the sum from memory.

The amount of appropriations this year had been larger than during the preceding one. We have now actually appropriated, including former unexpended appropriations, upwards of thirty millions of dollars; and including what we are bound to pay under recent treaty stipulations, for which appropriations will doubtless be made, the appropriations will amount to upwards of thirty-seven millions of dollars. We also have before us bills making appropriations for the erection of a Treasury building, for the erection of light-houses and the improvements of harbors, for old Indian anuuities, for continuing the Cumberland road, for marine hospitals, for paying to French and Neapolitan claimants what will be coming to them under treaties of indemnities, and various other bills appropriating money, in all amounting to some twelve or fifteen millions of dollars. Very many of these bills will doubtless pass. The sums contained in them, added to those he had just enumerated, amounted to between forty and fifty millions of dollars. Now, he would ask, how much of these appropriations would be actually drawn out of the Treasury by the 1st day of January next? Deduct these sums from the whole amount which would then be in the Treasury, and it had been questioned whether any thing would remain to be placed in the new depositories. It was highly probable that the only money then in the Treasury would be what had been duly appropriated by law. Certainly there could not be a large sum without including this money. It was highly probable that, of the appropriated money, some twenty millions or more would remain in the Treasury at the end of this year. But the Treasury might any day be called on for the balance of these appropriations. We were about to leave in it only five millions of dollars to meet this large sum. He would ask if it was true policy to place ourselves in this situation? Was it policy to hazard any thing on this point? He thought it true policy not to be without ample means to meet our engagements, and hoped that so fatal a policy as that proposed would not be entered upon. We were now actually engaged in extensive Indian wars, and he feared the torch of war would light up the whole Indian region. We should doubtless have calls for all appropriations which we had and should make. He thought the calls for money on account of these wars would be very great during the fore part of the coming year. The revenue of the next year might not exceed the current expenses of that year. Was it wise to charge the revenue of that year with not only its own expenses, but also with a very considerable portion of those actually incurred in this? It appeared to him to be quite certain that the five millions proposed to be left in the deposite banks would not meet the outstanding claims arising this year. He would ask, how are these to be met?

He was told that all the money, over and above the five millions, would be in the new depositories, subject to be drawn to meet any deficiency that might occur in the Treasury. Should the State treasuries become the agents of the General Government, and receive this, whatever should then be on hand beyond the five millions, he hoped they would honor all drafts made upon them, like other faithful agents. But was the House aware that, under the provisions of this section, it was but a trifling sum that could be drawn per month? Only about one million per quarter could be drawn. This would not meet the outstanding appropriations, as fast as they would be called for. It would take many years to draw from these new depositories the sum of twenty millions of dollars. The money thus deposited cannot be relied upon to meet these appropriations or any other considerable call upon the Treasury. He then submitted to the consideration of the House the propriety of adopting his amendment, and retaining in the Treasury a sufficient sum, at all times at command of the Treasury Department, to meet all our engagements in a prompt manner. He would ask, what objection there could be to leaving these sums in the Treasury?

Under this bill there was a provision requiring the deposite banks to pay two per cent. interest when they had a certain amount of public money in their vaults. If a considerable sum were left with them they must pay interest, which had heretofore been considered, by many, as very right and proper; but these new depositories were not required to pay interest at all. He then would ask, if the section now under consideration made the State treasuries merely depositories, in the ordinary sense of that term, what peculiar advantage was to be derived to any body, in giving the State treasuries a preference over the other depositories? He could not imagine any, except that it might be presumed that there was greater safety in the former than in the latter. He could not imagine any other reason for this preference, unless it was true that this section was to be considered as actually making a distribution, not to be returned, of all that should be found in the Treasury on the 1st of January beyond five millions. Was it really a distribution bill? Has this been avowed? He would ask in what part of the constitution was the power to be found which authorized Congress to distribute? If there is any authority for this bill, it must be under the incidental power to take care of and keep the public money. Then, if both the present and the proposed depositories are to be merely depositories of the public money, why should there be any particular anxiety to give the one a preference over the other, so as to place the appropriations beyond our reach when we wish to use them? He knew the House were desirous of acting, and he would not extend his remarks further at the present time. He had said all that he deemed necessary to enable the House to understand why he wished his amendment adopted. He might hereafter, if an opportunity was allowed him, go into a discussion of the main question; but it was not perhaps proper now to go beyond the consideration of the amendment he had offered. He hoped the House would adopt it.

Mr. **HAMER** called for the yeas and nays on the amendment of Mr. Gillet; but the House refused to order them, and the amendment to the amendment was then negatived.

The question was then taken on the amendment of the Committee of the Whole, which was the substitute for the 13th section, and decided in the affirmative: Yeas 142, nays 66, as follows:

Yeas—Messrs. Chilton Allan, Anthony, Barton, Beale, Bean, Bell, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, John Calhoon, William B. Calhoun, Carr, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Fairfield, Farlin, Forester, French, Fry, Galbraith, James Garland, Gillet, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Hiester, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawrence, Joshua Lee, Thomas Lee, Leonard, Lewis, Lincoln, Logan, Lucas, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, May, McComas, McKennan, McKeon, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Rencher, John Reynolds, Joseph Reynolds, Ripley, Russell, Seymour, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, White, Thomas T. Whittlesey—142.

Nays—Messrs. John Q. Adams, Heman Allen, Ash, Ashley, Bailey, Beaumont, Bond, Bunch, Cambreleng, Carter, Childs, John F. H. Claiborne, Coles, Crane, Darlington, Dromgoole, Evans, Everett, Philo C. Fuller, William K. Fuller, Rice Garland, Granger, Joseph Hall, Hamer, Hard, Harper, Hoar, Howell, Ingersoll, William Jackson, Janes, Jarvis, Jenifer, Henry Johnson, Lansing, Lawler, Lay, Luke Lea, Love, Loyall, Abijah Mann, Maury, McCarty, McKay, McKim, McLene, Milligan, Page, Parks, Patton, Peyton, Potts, Reed, Roane, Robertson, Rogers, Sickles, Standefer, Taliaferro, Thomas, Vinton, Webster, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Wise—66.

Mr. HAWES then moved the previous question; which was seconded by the House: Yeas 87, nays 72.

Mr. RENCHER called for the yeas and nays on ordering the main question; which were not ordered.

Mr. HOPKINS moved to reconsider the vote by which the previous question was seconded; which motion was decided in the negative: Yeas 88, nays 93.

The main question was then ordered to be put without a division.

Mr. PIERCE, of New Hampshire, moved that the House adjourn. Lost.

Mr. GRANGER called for the yeas and nays on the main question, (being on ordering the bill and amendments to be engrossed;) which were ordered, and were: Yeas 163, nays 44, as follows:

Yeas—Messrs. John Q. Adams C. Allan, H. Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Boyd, Briggs, Buchanan, Bunch, Bynum, John Calhoon, W. B. Calhoun, Carr, Carter, Casey, J. Chambers, Chaney, Chapman, Chapin, Childs, Nath. H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, P. C. Fuller, Galbraith, J. Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Harper, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Hiester, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, W. Jackson, Jabez Jackson, Janes, Jenifer, J. Johnson, R. M. Johnson, H. Johnson, J. W. Jones, B. Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, T. Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lucas, Lyon, Job Mann, Martin, M. Mason, S. Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Patton, D. J. Pearce, J. A. Pearce, Pettigrew Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Robertson, Russell, Seymour, A. H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, John Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams—163.

Nays—Messrs. Ash, Barton, Beale, Bean, Beaumont, Brown, Burns, Cambreleng, J. F. H. Claiborne, Coles, Cushman, Dromgoole, Fairfield, W. K. Fuller, Gillet, J. Hall, Hamer, Huntington, Jarvis, C. Johnson, Lansing, J. Lee, Loyall, A. Mann, J. Y. Mason, W. Mason, McKay, McKeon, McKim, McLene, Page, Parks, Franklin Pierce Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Vanderpoel, Ward, Wardwell, Weeks, Wise—44.

So the bill was ordered to be engrossed and read a third time to-day.

Mr. TOUCEY moved an adjournment. Lost.

The bill being on its passage,

Mr. LOYALL called for the yeas and nays; which were ordered, and were: Yeas 155, nays 38, as follows:

Yeas—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Bunch, Bynum, John Calhoon, William B. Calhoun, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Hiester, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lyon, Job Mann, Martin, Moses Mason, Samson Mason, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, Joseph Reynolds, Ripley, Robertson, Russell, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, John Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams—155.

Nays—Messrs. Ash, Beale, Bean, Beaumont, Brown, Burns, John F. H. Claiborne, Coles, Cushman, Dromgoole, Fairfield, William K. Fuller, Gillet, Joseph Hall, Hamer, Jarvis, Cave Johnson, Lansing, Gideon Lee, Loyall, Abijah Mann, John Y. Mason, McKay, McKeon, McKim, Parks, Franklin Pierce, Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Turrill, Vanderpoel, Ward, Wardwell, Wise—38.

So the bill was passed.

The House then adjourned.

Wednesday, June 22.

HARBOR BILL.

The House proceeded to the execution of the special order, and went into Committee of the Whole on the state of the Union, (Mr. Lincoln in the chair,) and took up the "bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for 1836."

The bill, having been read, was taken up by sections.

Mr. SMITH entered into a succinct explanation in relation to the first clause, appropriating $100,000 for continuing the Delaware breakwater, and gave some reasons why the item should be increased, though he himself did not design to make a motion to that effect.

Mr. HARPER then moved to increase the item to $120,000. Lost.

Mr. HAWES moved to strike out the following clause:

"For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, two hundred thousand dollars, to be expended according to the plan and estimates recommended by the Secretary of War."

Mr. H. said, when the first appropriation was made, it was distinctly asserted that the whole cost would not exceed, at the most, $70,000, though Mr. H. said, at the time, that it would be but an entering wedge for larger calls upon the Government. He was, further, convinced that the Hudson river, at this point, did not come within the principles of the rule by which the Federal Government was authorized to expend the public money for works of internal improvement.

Mr. PEARCE, of Rhode Island, supported the clause, and went on to show that the work in question was purely of a national character.

After some remarks from Messrs. MERCER, EVANS, SMITH, and VANDERPOEL,

Mr. HUNT said he did not rise at this period of the session to detain the committee with a speech, but to submit to them a plain, unvarnished statement of facts in reference to the appropriation asked for in the bill under consideration. The gentleman from Kentucky [Mr. HAWES] has based his proposition to strike out the appropriation upon two grounds: First, that the Hudson river lies wholly within the jurisdiction of the State of New York; and, secondly, that the sum required is an entire surprise on the House, and far greater than was ever contemplated by Congress in passing the act of 1834, based upon the survey of Colonel Clinton in 1832. In attempting to answer these objections, I am fully aware of being obnoxious to the charge that I am a son of New York, and one of her representatives upon this floor. The argument (if such it may be called) has more than once been urged during the present session, that New York has forty members in this House—a sixth part of the entire representation. Sir, I deprecate all appeals of this kind, and stop not to answer them, but proceed at once to the objections.

Is, then, the Hudson river the property of the State of New York, in the sense urged by the gentleman from Kentucky? That river, sir, is an arm of the sea, a great highway, not only for this country, but for nations. Your highest judicial tribunal, in the celebrated steamboat controversy, years ago settled this point. Nor is New York alone interested in improving this highway. The great and fertile States of the far West, those bordering upon your inland seas, (called lakes,) and the provinces of a foreign Power, have a deep stake in this matter. Sir, I state, from information derived from sources upon which I fully rely, that the annual tonnage floating upon the Hudson river is 987,500; that the flourishing villages and cities of Waterford, Lansingburg, Troy, and Albany, employ 150 vessels; that from Troy and Albany are sent forth 60 tow boats; that the value of the property transported in these vessels varies from $20 to $1,000 per ton. Lumber may be valued at $20; wheat and flour at $65, and dry goods at $1,000. Before the completion of those splendid works of internal improvement originally projected by a statesman of my own State, and carried through by our own unaided resources, it cost six dollars to transport a hundred weight of goods from Albany to Buffalo; it now costs sixty cents; to which add the tolls, forty cents, and you have a cost of one dollar per hundred weight. Sir, look back to the war of 1812, to the enormous expense incurred by the General Government for transportation of munitions along this very line, and then say to me, if you can, that the nation has no interest in protecting this great thoroughfare.

Again, sir, I say that 300,000 persons annually pass up and down the Hudson river. How readily would these passengers submit (were it admissible) to a tax of 66⅔ cents, to raise the $200,000 asked for, rather than undergo the daily and hourly interruptions in travel and business to which they are now necessarily subjected.

Now, sir, as to the second objection. It is true it will cost more to remove the obstructions effectually in the Hudson than was estimated by Colonel Clinton. But, sir, the plan of operations is the same, in substance, as that suggested by him. And it is due to the Department to say that the estimates of Colonel Clinton, as to costs, never received its sanction. The attention of Congress was called to the subject of improving this river in the report from the engineer department, under date of the 1st of November, 1834, and again under date of the 15th of November, 1835. And the various plans of improvement, with the cost, are again distinctly stated by the Secretary of War, in his communication to this House, under date of the 13th of April, 1836. Sir, scientific men have differed as to the best mode of effecting a most desirable object. Your Clintons and Genets gave their powerful minds to this interesting inquiry. By many a canal of larger dimensions has been warmly advocated; whilst others have preferred a different plan, as less expensive, and equally serviceable. According to the report in 1834, the estimated cost of the improvement upon what is designated as

The first plan is - - -	$819,634 10
The second plan is - - -	671,134 11
The third plan is - - -	522,634 11

With these facts before us, with what propriety can it be said that Congress made the original appropriation in 1834, upon the express condition that the work was to cost but $220,000?

The $70,000 appropriated in 1834 was expended in 1835, after the plans of Colonel Clinton had been supervised by the proper authorities; and I have before me the authority of the head of the engineer department for saying that the work of last season has answered the expectations and hopes of its most sanguine friends.

The simple question then is, shall we abandon this great national work, after having expended $70,000; or shall we, with a liberal and enlightened policy, proceed in the work of its completion? Sir, I will not for a moment doubt the response which this committee will, by their vote, give to this question.

Mr. VANDERPOEL said that though it was his misfortune to belong to the State of New York, (for misfortune indeed it seemed to be in relation to appropriations,) yet, in regard to this appropriation, he could safely say that he was entirely disinterested. Nay, he could go a step further, and avow that if he had any direct interest, (for the interest of his constituents was his interest,) it was against the passage of the item of appropriation now under consideration. The whole of his district was below those portions of the river which were proposed to be improved by the appropriation under consideration. There were also in his district towns whose interest might be said, in some measure, to clash with the interest of Troy and Albany, whose prosperity, instead of being crippled, would be enhanced by impassable obstructions in those parts of the Hudson for which the proposed appropriation was designed. Still, he could not, with the knowledge he possessed of the justice and necessity of making the appropriation, refuse to give it his most ardent support.

The honorable gentleman from Kentucky [Mr. HAWES] has told the committee that the attempt to get this additional sum of two hundred thousand dollars, was a violation of the understanding which was had here two years ago, when the original sum of seventy thousand dollars was appropriated. For his part, he (Mr. V.) had no recollection of any such promise or pledge. Though he was silent on that occasion, he took a very lively interest in every thing that transpired relative to that appropriation; and had any such promise or pledge been given, he would most probably have remembered it. He flattered himself that he could show most satisfactorily that his friend from Kentucky was entirely mistaken in the idea that there ever was an understanding or promise that the sum of seventy thousand dollars was all that would ever be required or asked for. This supposition was entirely inconsistent with the record. The very phraseology of the act of 1834 virtually and most effectually contradicted it. That act provides that the sum of seventy thousand dollars be appropriated "towards" the improvement of the Hudson river, "according to the plan reported by the War Department in 1832." Now, unless the honorable gentleman could show that the estimate of this plan, to which the act referred, did not exceed the sum of seventy thousand dollars, then he could not surely succeed in showing that Congress, when it passed the act of 1834, intended to limit the expenditure for this object to the sum then appropriated. The plan of the War Department, to which the act refers, was to all intents and purposes part of the act. It adopts the plan, and commits the Government to such expenditures as shall be necessary to carry it into execution. Gentlemen need only refer to the documents of 1832 to be convinced that the plan referred to in the act of 1834 was not satisfied by the appropriation of that year; and it therefore irresistibly resulted that his honorable friend, in the supposition that we were violating any pledge in asking for this appropriation, was entirely mistaken.

Another objection had been urged to this appropriation by the gentleman from Maine, [Mr. Evans.] He says that it does not come from the right committee; that, so far as it regards any portion of the river except the "overslaugh," it was a new work, and therefore the Committee on Commerce, and not the Committee of Ways and Means, ought to have taken cognizance of the subject. In this point he (Mr. V.) was very confident that his honorable friend from Maine was also entirely mistaken. Let him look at the plan of 1832, to which the act of 1834 refers, and upon which it is founded, and he will find that it contains detailed estimates of the expense of clearing out not only the overslaugh, but also the obstructions between Albany and Troy.

He fancied that his friend from Maine adhered now with so much tenacity to the "overslaugh," on account of some reminiscences and associations of a political character. The members of that party to which the honorable gentleman belonged had secured to it a most extended and immortal fame. They had chanted its horrors, and the sin of a distinguished Senator, who had voted against an appropriation to clear it out, because it was in bad company, both in prose and in poetry. They had honored it with a cognomen of which it might well be proud. "Marcy's farm," and Marcy's "INEXPRESSIBLES," formed a political stock by means of which that party to which it was the pride of his friend to belong hoped to revolutionize the empire State. They were talismanic words by which alone thousands were to be lured to the standard of bank whiggery; and it was not, therefore, surprising that they should have made so indelible an impression upon the mind of the honorable gentleman from Maine, as to have induced the oblivion of every other locality in or about the Hudson. He would tell his honorable friend that there were most assuredly other obstructions in the river besides the farm of Governor Marcy; obstructions, too, which this Government, by the act of 1834, stands pledged to remove.

The gentleman from Kentucky [Mr. Hawes] cannot see why this river should receive the care and munificence of this Government in preference to hundreds of other streams that he could mention. Let the gentleman return home by the way of Albany, the Erie canal, and the lakes, and then he will be prepared to answer this question without further aid. Is it for New York alone that this appropriation is asked? No, sir. It is for that immense and rapidly growing West, whose abundant productions flow down the Hudson to your great commercial emporium. If it be possible for the mind to conceive a work which is national, in contradistinction to one that is local, this is emphatically that work. Ohio, Michigan, Wisconsin, Illinois, Indiana, Kentucky, are all directly interested in the improvement contemplated by the proposition now under consideration. The North river is the great thoroughfare for the Western world; and tell me not that this work is to be assimilated to a plan of improving some little stream or rivulet, by means of which an extent of country of only forty, fifty, or even an hundred miles is to be benefited. The inconveniences to which the constituents of many Western gentlemen are exposed, by means of the obstructions in the Hudson below Albany, are well worthy of their serious consideration. There are many gentlemen here, who have beheld no less than twenty or thirty, perhaps forty, vessels lying at one time on the overslaugh. A merchant from Ohio or Chicago purchases his goods in New York, and makes his calculation to expose them for sale in his store in a given number of days after he ships them at the place of purchase. The vessel containing them is grounded in the Hudson, and detained there until an extraordinary tide floats her again; and by this means all the sanguine hopes of your Western merchants are frequently frustrated--all their confident calculations are constantly baffled. Are these not evils that will merit the attention of the representatives of this great nation?

Nor, sir, is the West alone interested in the improvement of this great arm of the sea. The East, and most particularly the constituents of the honorable gentleman from Maine, [Mr. Evans,] have a deep interest in the matter. The North river is literally whitened, at particular seasons of the year, with the sails of Eastern vessels, who carry on with Albany and Troy a most profitable trade and barter. They exchange the treasures which their enterprise draws from the deep, for the corn and bread stuffs that descend the great canals of New York. "Easternmen," as they are termed in nautical parlance, are every-day objects on the bosom of the Hudson; and let me tell my friend from Maine, that, with all the "'cuteness" of the Yankee nation, they cannot escape the bars and shoals of the overslaugh. They are pretty sure to get aground; and should some of them hereafter be doomed to the annoyance and vexation of a week's detention there, they will not be apt to recur with much complacency to those scruples which deterred the representatives of the people from contributing enough of our overflowing Treasury to remove this annoying impediment in one of the great arteries of the nation.

Mr. V. said that no gentleman could fairly pretend that this was not a national work. The commerce of this river is second in magnitude and importance only to the Mississippi. No other river in the confederacy could come near competing with it. It is an arm of the sea, and at the very point where obstructions are proposed to be removed, the tide ebbs and flows. This Government has extended its custom-house laws and regulations over it, and established ports of delivery both at Albany and Troy. Every vessel that navigates it—every vessel at least that has capacity enough to be grounded on the bars which are proposed to be removed—sails under your license, and pays your exactions for this privilege. Will you, then, exercise jurisdiction over it; will you draw revenue from those who float upon its waters, and yet do nothing towards improving it? Give us the license money, the custom-house fees, which all the vessels that have been detained by these obstructions have paid you, and, my word for it, we would have enough to remove all impediments and difficulties. He would put it to honorable gentlemen, no matter how far their constitutional objections to internal improvements extended, was not this river worthy of the care, the aid, and the patronage, of this Government? A river up which nearly or quite one fourth of the imports of this country ascends to the points of their consumption, and down which at least one fourth of the surplus agricultural productions of the nation flows. Does not this gigantic and all-important arm of the sea, from which you directly and indirectly derive such formidable revenues—over whose navigation you exercise control—does not such a river urge an irresistible claim to your care, your patronage, and even munificence? He had no doubt that the vote about to be given would show, that while a majority of this House appreciated its importance, they would yield to its most just and reasonable claims.

Mr. CARTER moved to amend the clause by appropriating the sum of $100,000 "to continue the improvement commenced at the Muscle Shoals, by the Government of the United States, in the State of Alabama, up the Tennessee and Holston rivers to Kingsport, in Tennessee."

Mr. **DUNLAP** said: Mr. Chairman, I shall vote for the amendment of my colleague; not that I believe Congress has the power to appropriate money for any such purposes; but, on the contrary, I am well satisfied that whenever they make appropriations to any such object, it is a usurpation of power on their part. I vote for the amendment alone on the principle that the object for which it is intended to be appropriated is more national than many that are included in the bill. The rivers intended to be improved by the appropriation included in my colleague's amendment run through an extent of country of from twelve to fifteen hundred miles, and in a section of this Union where they never have had any of the public treasure spent in the improvement of their rivers. There is no country that needs the navigation of her rivers improved more than East Tennessee. It is one of the healthiest countries on this continent. The soil is productive. It is settled by the most industrious citizens, and they always have a superabundance of every article of agriculture for market; and all they want, to be the wealthiest and happiest people living in any country, is the navigation of their beautiful rivers improved, so as to afford them greater facilities in taking their surplus produce to market. Notwithstanding, Mr. Chairman, their great want of money to improve the navigation of their rivers, none has ever been spent there by the Federal Government, although millions have been spent in other sections of this Union on rivers less entitled to the notice of the Government. And why has it not been done? Because, sir, Tennessee has sent her sons here as her representatives, who entertained the opinion that it was a violation of the constitution of their country to have money appropriated by the Federal Government for internal improvement in the States; and her proud representatives never asked that the constitution of their country should be violated for the benefit of their constituents: their constituents entertained the same opinion as their representatives, and never required such a thing of them.

But, sir, there are gentlemen who believe Congress have the power to appropriate money for such purposes, and to their votes I object not; I only ask them not to take all the money, and not to let sectional feelings govern their votes; to vote money to improve a river west of the mountains, if they would vote for the improvement of the same river if it lay east of them. I desire that this amendment should be incorporated into the bill, and when on its passage, I shall vote against the bill; but if it is to pass, let those gentlemen who vote for their own rivers, also vote for ours.

Mr. Chairman, I had hoped, after the passage of the deposite bill yesterday, the operation of which is to distribute among the States equally the surplus revenue, that gentlemen on this floor would agree to take their equal part of the money, and be satisfied to let their States appropriate the money thus received to objects of internal improvement within their respective limits; but, sir, it seems that gentlemen are not content to receive their equal proportion of the public revenue, but desire to have all their improvements made out of the common fund before the division takes place. I, for one, am unwilling to give one cent of what is coming to my State to any of the gentlemen, to improve their rivers. Although, sir, I claim no credit in getting the division of the money among the States, (not having voted for the bill, being confined to my room with a burning fever all yesterday,) I will insist on gentlemen making good their arguments on the deposite bill, that when too much money has been collected by a Government of the people, it is but justice that it should be paid back to them. Now, what more equitable mode is there of paying it back than making an equal distribution to the States? There appears to me to be none. If this bill should pass, there will be manifest injustice done the States; but, sir, I believe the practice is to include just enough rivers to make a majority of votes for the bill, and then its friends vote out all amendments, and pass the bill. I hope the vote on this amendment and the bill will show that that practice has been abandoned, as unworthy of statesmen.

Mr. Chairman, there are other objections to this bill. I will mention one only; the sum of two hundred thousand dollars intended to be appropriated by this bill for the improvement of the Hudson river, is to be expended under the direction of the Secretary of War, according to the estimates of the engineer department reported to the present session of Congress. Now, sir, according to those estimates, the work is to cost upwards of eight hundred thousand dollars; then the person superintending the work must make the improvements so as to cost this eight hundred thousand dollars, without regard to its necessity or utility.

On looking into the estimates of last year, we find the engineer then estimated the whole improvement necessary on said river to cost two hundred and twelve thousand dollars; and the bill passed at that time, appropriating seventy thousand dollars for the improvement of the navigation of Hudson river, directed the money to be expended according to the estimates then furnished this House; and every gentleman had a right to expect, from the report of the engineer at that time, we never would be called on for more than the two hundred and twelve thousand dollars to complete the improvement of the river. But, sir, to our astonishment, in one short year the estimates have increased upwards of six hundred thousand dollars for this one object; and we are now gravely asked, by the chairman of the committee who reported the bill, if we are going to throw away the seventy thousand dollars heretofore spent in the improvement of said river, or will we go on with the work and complete it? We are told that this is not the time to object to the expediency of the measure; that question has been settled by a former Congress. All we have to do is to make the appropriations to complete the works heretofore commenced. If this position be true, ought not gentlemen to confine themselves to the estimates made to the Congress that commenced the work? I would want nothing more than the facts in this case to prove the fallacy of such a proposition. An engineer reports that a work would cost two hundred and twelve thousand dollars, and Congress appropriates a part of that sum to commence the work; and at the very next session of Congress the engineer reports that the same work will cost over eight hundred thousand dollars. Now, sir, if Congress had been told by the engineer at first, that the work would have cost eight hundred thousand dollars, their prudence might have told them never to have commenced it. Mr. Chairman, what security have we, if the eight hundred thousand dollars should be appropriated, that we will not at a subsequent Congress be called on to appropriate a still larger sum to complete the improvements in the river? We cannot depend on the estimates from the engineer department; they have deceived us to get the work commenced, and I, for one, will not suffer the same person to deceive me twice. Their estimates appear to have been made without any regard to economy; but their object appears to be to show how much money they can spend, not how much is necessary to be spent.

After some further remarks from Messrs. **CARTER, PEYTON, SPEIGHT, SMITH, EVANS,** and **WISE,**

The House took the usual recess.

such expenditures as shall be necessary to carry it into execution. Gentlemen need only refer to the documents of 1832 to be convinced that the plan referred to in the act of 1834 was not satisfied by the appropriation of that year; and it therefore irresistibly resulted that his honorable friend, in the supposition that we were violating any pledge in asking for this appropriation, was entirely mistaken.

Another objection had been urged to this appropriation by the gentleman from Maine, [Mr. Evans.] He says that it does not come from the right committee; that, so far as it regards any portion of the river except the "overslaugh," it was a new work, and therefore the Committee on Commerce, and not the Committee of Ways and Means, ought to have taken cognizance of the subject. In this point he (Mr. V.) was very confident that his honorable friend from Maine was also entirely mistaken. Let him look at the plan of 1832, to which the act of 1834 refers, and upon which it is founded, and he will find that it contains detailed estimates of the expense of clearing out not only the overslaugh, but also the obstructions between Albany and Troy.

He fancied that his friend from Maine adhered now with so much tenacity to the "overslaugh," on account of some reminiscences and associations of a political character. The members of that party to which the honorable gentleman belonged had secured to it a most extended and immortal fame. They had chanted its horrors, and the sin of a distinguished Senator, who had voted against an appropriation to clear it out, because it was in bad company, both in prose and in poetry. They had honored it with a cognomen of which it might well be proud. "Marcy's farm," and Marcy's "inexpressibles," formed a political stock by means of which that party to which it was the pride of his friend to belong hoped to revolutionize the empire State. They were talismanic words by which alone thousands were to be lured to the standard of bank whiggery; and it was not, therefore, surprising that they should have made so indelible an impression upon the mind of the honorable gentleman from Maine, as to have induced the oblivion of every other locality in or about the Hudson. He would tell his honorable friend that there were most assuredly other obstructions in the river besides the farm of Governor Marcy; obstructions, too, which this Government, by the act of 1834, stands pledged to remove.

The gentleman from Kentucky [Mr. Hawes] cannot see why this river should receive the care and munificence of this Government in preference to hundreds of other streams that he could mention. Let the gentleman return home by the way of Albany, the Erie canal, and the lakes, and then he will be prepared to answer this question without further aid. Is it for New York alone that this appropriation is asked? No, sir. It is for that immense and rapidly growing West, whose abundant productions flow down the Hudson to your great commercial emporium. If it be possible for the mind to conceive a work which is national, in contradistinction to one that is local, this is emphatically that work. Ohio, Michigan, Wisconsin, Illinois, Indiana, Kentucky, are all directly interested in the improvement contemplated by the proposition now under consideration. The North river is the great thoroughfare for the Western world; and tell me not that this work is to be assimilated to a plan of improving some little stream or rivulet, by means of which an extent of country of only forty, fifty, or even an hundred miles is to be benefited. The inconveniences to which the constituents of many Western gentlemen are exposed, by means of the obstructions in the Hudson below Albany, are well worthy of their serious consideration. There are many gentlemen here, who have beheld no less than twenty or thirty, perhaps forty, vessels lying at one time on the overslaugh. A merchant from Ohio or Chicago purchases his goods in New York, and makes his calculation to expose them for sale in his store in a given number of days after he ships them at the place of purchase. The vessel containing them is grounded in the Hudson, and detained there until an extraordinary tide floats her again; and by this means all the sanguine hopes of your Western merchants are frequently frustrated--all their confident calculations are constantly baffled. Are these not evils that will merit the attention of the representatives of this great nation?

Nor, sir, is the West alone interested in the improvement of this great arm of the sea. The East, and most particularly the constituents of the honorable gentleman from Maine, [Mr. Evans,] have a deep interest in the matter. The North river is literally whitened, at particular seasons of the year, with the sails of Eastern vessels, who carry on with Albany and Troy a most profitable trade and barter. They exchange the treasures which their enterprise draws from the deep, for the corn and bread stuffs that descend the great canals of New York. "Easternmen," as they are termed in nautical parlance, are every-day objects on the bosom of the Hudson; and let me tell my friend from Maine, that, with all the "'cuteness" of the Yankee nation, they cannot escape the bars and shoals of the overslaugh. They are pretty sure to get aground; and should some of them hereafter be doomed to the annoyance and vexation of a week's detention there, they will not be apt to recur with much complacency to those scruples which deterred the representatives of the people from contributing enough of our overflowing Treasury to remove this annoying impediment in one of the great arteries of the nation.

Mr. V. said that no gentleman could fairly pretend that this was not a national work. The commerce of this river is second in magnitude and importance only to the Mississippi. No other river in the confederacy could come near competing with it. It is an arm of the sea, and at the very point where obstructions are proposed to be removed, the tide ebbs and flows. This Government has extended its custom-house laws and regulations over it, and established ports of delivery both at Albany and Troy. Every vessel that navigates it—every vessel at least that has capacity enough to be grounded on the bars which are proposed to be removed—sails under your license, and pays your exactions for this privilege. Will you, then, exercise jurisdiction over it; will you draw revenue from those who float upon its waters, and yet do nothing towards improving it? Give us the license money, the custom-house fees, which all the vessels that have been detained by these obstructions have paid you, and, my word for it, we would have enough to remove all impediments and difficulties. He would put it to honorable gentlemen, no matter how far their constitutional objections to internal improvements extended, was not this river worthy of the care, the aid, and the patronage, of this Government? A river up which nearly or quite one fourth of the imports of this country ascends to the points of their consumption, and down which at least one fourth of the surplus agricultural productions of the nation flows. Does not this gigantic and all-important arm of the sea, from which you directly and indirectly derive such formidable revenues—over whose navigation you exercise control—does not such a river urge an irresistible claim to your care, your patronage, and even munificence? He had no doubt that the vote about to be given would show, that while a majority of this House appreciated its importance, they would yield to its most just and reasonable claims.

Mr. CARTER moved to amend the clause by appropriating the sum of $100,000 "to continue the improvement commenced at the Muscle Shoals, by the Government of the United States, in the State of Alabama, up the Tennessee and Holston rivers to Kingsport, in Tennessee."

Mr. DUNLAP said: Mr. Chairman, I shall vote for the amendment of my colleague; not that I believe Congress has the power to appropriate money for any such purposes; but, on the contrary, I am well satisfied that whenever they make appropriations to any such object, it is a usurpation of power on their part. I vote for the amendment alone on the principle that the object for which it is intended to be appropriated is more national than many that are included in the bill. The rivers intended to be improved by the appropriation included in my colleague's amendment run through an extent of country of from twelve to fifteen hundred miles, and in a section of this Union where they never have had any of the public treasure spent in the improvement of their rivers. There is no country that needs the navigation of her rivers improved more than East Tennessee. It is one of the healthiest countries on this continent. The soil is productive. It is settled by the most industrious citizens, and they always have a superabundance of every article of agriculture for market; and all they want, to be the wealthiest and happiest people living in any country, is the navigation of their beautiful rivers improved, so as to afford them greater facilities in taking their surplus produce to market. Notwithstanding, Mr. Chairman, their great want of money to improve the navigation of their rivers, none has ever been spent there by the Federal Government, although millions have been spent in other sections of this Union on rivers less entitled to the notice of the Government. And why has it not been done? Because, sir, Tennessee has sent her sons here as her representatives, who entertained the opinion that it was a violation of the constitution of their country to have money appropriated by the Federal Government for internal improvement in the States; and her proud representatives never asked that the constitution of their country should be violated for the benefit of their constituents: their constituents entertained the same opinion as their representatives, and never required such a thing of them.

But, sir, there are gentlemen who believe Congress have the power to appropriate money for such purposes, and to their votes I object not; I only ask them not to take all the money, and not to let sectional feelings govern their votes; to vote money to improve a river west of the mountains, if they would vote for the improvement of the same river if it lay east of them. I desire that this amendment should be incorporated into the bill, and when on its passage, I shall vote against the bill; but if it is to pass, let those gentlemen who vote for their own rivers, also vote for ours.

Mr. Chairman, I had hoped, after the passage of the deposite bill yesterday, the operation of which is to distribute among the States equally the surplus revenue, that gentlemen on this floor would agree to take their equal part of the money, and be satisfied to let their States appropriate the money thus received to objects of internal improvement within their respective limits; but, sir, it seems that gentlemen are not content to receive their equal proportion of the public revenue, but desire to have all their improvements made out of the common fund before the division takes place. I, for one, am unwilling to give one cent of what is coming to my State to any of the gentlemen, to improve their rivers. Although, sir, I claim no credit in getting the division of the money among the States, (not having voted for the bill, being confined to my room with a burning fever all yesterday,) I will insist on gentlemen making good their arguments on the deposite bill, that when too much money has been collected by a Government of the people, it is but justice that it should be paid back to them. Now, what more equitable mode is there of paying it back than making an equal distribution to the States? There appears to me to be none. If this bill should pass, there will be manifest injustice done the States; but, sir, I believe the practice is to include just enough rivers to make a majority of votes for the bill, and then its friends vote out all amendments, and pass the bill. I hope the vote on this amendment and the bill will show that that practice has been abandoned, as unworthy of statesmen.

Mr. Chairman, there are other objections to this bill. I will mention one only; the sum of two hundred thousand dollars intended to be appropriated by this bill for the improvement of the Hudson river, is to be expended under the direction of the Secretary of War, according to the estimates of the engineer department reported to the present session of Congress. Now, sir, according to those estimates, the work is to cost upwards of eight hundred thousand dollars; then the person superintending the work must make the improvements so as to cost this eight hundred thousand dollars, without regard to its necessity or utility.

On looking into the estimates of last year, we find the engineer then estimated the whole improvement necessary on said river to cost two hundred and twelve thousand dollars; and the bill passed at that time, appropriating seventy thousand dollars for the improvement of the navigation of Hudson river, directed the money to be expended according to the estimates then furnished this House; and every gentleman had a right to expect, from the report of the engineer at that time, we never would be called on for more than the two hundred and twelve thousand dollars to complete the improvement of the river. But, sir, to our astonishment, in one short year the estimates have increased upwards of six hundred thousand dollars for this one object; and we are now gravely asked, by the chairman of the committee who reported the bill, if we are going to throw away the seventy thousand dollars heretofore spent in the improvement of said river, or will we go on with the work and complete it? We are told that this is not the time to object to the expediency of the measure; that question has been settled by a former Congress. All we have to do is to make the appropriations to complete the works heretofore commenced. If this position be true, ought not gentlemen to confine themselves to the estimates made to the Congress that commenced the work? I would want nothing more than the facts in this case to prove the fallacy of such a proposition. An engineer reports that a work would cost two hundred and twelve thousand dollars, and Congress appropriates a part of that sum to commence the work; and at the very next session of Congress the engineer reports that the same work will cost over eight hundred thousand dollars. Now, sir, if Congress had been told by the engineer at first, that the work would have cost eight hundred thousand dollars, their prudence might have told them never to have commenced it. Mr. Chairman, what security have we, if the eight hundred thousand dollars should be appropriated, that we will not at a subsequent Congress be called on to appropriate a still larger sum to complete the improvements in the river? We cannot depend on the estimates from the engineer department; they have deceived us to get the work commenced, and I, for one, will not suffer the same person to deceive me twice. Their estimates appear to have been made without any regard to economy; but their object appears to be to show how much money they can spend, not how much is necessary to be spent.

After some further remarks from Messrs. CARTER, PEYTON, SPEIGHT, SMITH, EVANS, and WISE,

The House took the usual recess.

Evening Session.

The House went into Committee of the Whole again, and resumed the consideration of the clause appropriating $200,000 for Hudson river, and the amendment of Mr. Carter, to appropriate $100,000 for the Muscle Shoals.

Mr. WISE concluded his remarks in opposition to the principles of the bill passed yesterday in relation to the deposite of the public money.

Mr. PEYTON followed, in support of the general principles of that bill.

Mr. WISE briefly rejoined to the latter gentleman.

The debate was continued by Mr. MANN, of New York.

Mr. HAYNES raised a point of order on the character of the debate. He said he was compelled to be absent last night from indisposition, and he was informed that the Senate deposite bill had then been passed. He wished to know if he had been misinformed; because, if not, a discussion upon a bill already passed must be out of order.

Mr. MANN said a few words more in reply to some remarks of Mr. Wise, when the debate proceeded on the pending question, by that gentleman.

Mr. CARTER then modified his amendment, by inserting a provision at the end, making Kingsport, Sullivan county, Tennessee, a port of entry; and,

After some remarks from Messrs. PEYTON and TURRILL, the amendment was rejected.

Mr. McKAY then moved to reduce the appropriation to $100,000, on the ground that that was as much as could be expended during the working season.

Mr. SMITH said a few words in opposition to the motion, when it was rejected.

Mr. PARKER moved to strike out the words "above and," so as to restrict the expenditure below Albany.

Mr. GILLET said, if he understood the amendment of his friend from New Jersey, [Mr. Parker,] his object was to limit the improvements in the Hudson river to that portion of it which is below the city of Albany. That gentleman seemed to suppose that public considerations did not require the improvement proposed between Troy and Albany. The fact stated as the ground of his opinion was, that the great New York canal terminated at the city of Albany. It is true that this canal is continued on the western bank of the river to the city of Albany; but he believed it also true that there was a communication from it to the city of Troy. He would further state that the Champlain, or northern canal, which is of such great importance to the northern part of the State and to the State of Vermont, terminates nearly opposite Troy. That city carries on a large business on each of the canals. The business men of that city are extensively engaged in business which requires them to pass from Troy, on the Hudson, to New York.

The failure to improve the river between Troy and Albany would give the latter place an advantage, growing out of our legislation. He was confident this was not desired by any person. Place each on the same footing, so far as you legislate, and leave to natural causes and the enterprise of each to decide the question of superiority. The natural rivalry between these cities would be beneficial to the country. If, by any act of ours, the one receives a favor not given to the other, you destroy competition, and place business within the control of the favored city. Let them go hand in hand, and all will be satisfied.

As he observed many around him who were not in the last Congress, and who may not be acquainted with the history of former legislation on this subject, he wished to occupy the attention of the House for a moment, to make a brief statements of facts. At a session of the twenty-second Congress a bill passed both Houses of Congress, containing, among other appropriations, one for the improvement of the navigation of the Hudson river. He could not say from what committee that bill emanated, but it was fair to presume that it was properly considered by a standing committee and by both Houses of Congress. This bill, owing to other items in it, failed to receive the signature of the President, and consequently did not become a law.

At the first session of the last Congress, a member of the Committee on Commerce, from the city of New York, [Mr. Selden,] reported a separate bill on this subject, which passed both Houses, and became a law. Consequently, this cannot be considered a new work; and, under the usual course of business here, it is properly within the jurisdiction of the Committee of Ways and Means, who reported this bill. We have evidence before us that more money is needed for this work, in which several States are interested. It must be known to all, that every State and Territory touching the Western lakes is deeply interested in this work; so is Vermont. It is also conceded that it is not excluded by the principles of the celebrated veto message. The question is, shall we continue the improvement, or abandon it? If any work of this kind is ever to be carried on by the General Government, certainly this should be continued. In his opinion, the amendment should not be agreed to, but the section should be adopted as it now stands.

After a few words from Mr. PARKER, the amendment was rejected.

The motion to strike out the whole clause was then lost.

Mr. HAWES then moved to amend the clause, by striking out the sum of $20,000, and inserting in lieu thereof the sum of $151,504 10, and to add at the end "for the completion of the improvements of the Hudson river;" and proceeded to assign at length his reasons for the motion, which was the balance of the sum, after the $70,000 appropriated last year. The cost of the work was originally estimated at $221,504 10.

The amendment of Mr. Hawes was then rejected: Yeas 47, nays 79.

Mr. ASHLEY then moved to amend the amendment by inserting at the end of it the following: "in such manner, and by the removal of such obstructions, as the Secretary of War shall direct." Agreed to.

After a few remarks by Messrs. SMITH and VINTON,

Mr. JOHNSON, of Tennessee, moved that the committee rise. Lost.

After a few remarks by Mr. DENNY, the question was taken on Mr. Vinton's amendment, as amended; which was agreed to.

Mr. MARTIN then moved an amendment appropriating twenty thousand dollars for the improvement of Tennessee river at Muscle Shoals. Lost.

Mr. VINTON moved to strike out the clause, "For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Pittsburg, Pennsylvania, to New Orleans, Louisiana, and from the mouth of the Ohio to the mouth of the Missouri river, one hundred and ten thousand dollars," and insert, "for the improvement of the Ohio river, from Pittsburg to the falls, $50,000; for the Mississippi and Ohio, below the falls, $50,000; and for the improvement of the Mississippi and Missouri, above the mouth of the Ohio, $30,000."

After some remarks by Mr. VINTON,

Mr. ASHLEY moved to amend the amendment by increasing the appropriation for the improvement of the Mississippi and Missouri rivers, above the mouth of the Ohio, to $50,000. Lost.

Mr. HAWES then offered an amendment to the above clause, to strike out "Pittsburg, Pennsylvania," and insert "Louisville," and strike out "$110,000," and insert "$75,000." Lost.

Mr. **SMITH** moved to amend the clause, "For continuing the removal of obstructions in Red river, Louisiana, and Territory of Arkansas, forty thousand eight hundred dollars," by making an additional appropriation of $15,000 for the construction of a steamboat, and $15,000 for the support of the same. Lost.

Mr. **GARLAND**, of Louisiana, moved to amend the amendment, so as to increase the appropriation to $100,000, for the purpose of continuing the improvements to the navigation of Red river, constructing a steamboat to be used in keeping the river open and continuing the work. This, he stated, was in conformity with the estimates and recommendations from the Department, now in the possession of the gentleman from Maine, [Mr. Smith,] who, as a member of the Committee of Ways and Means, has the bill in charge. Lost.

Mr. **CLAIBORNE**, of Mississippi, then offered the following:

"*And be it further enacted*, That the sum of twenty thousand dollars be, and is hereby, appropriated for the improvement of the navigation of the Tombigbee river, in the States of Alabama and Mississippi, and the sum of ten thousand dollars for the improvement of that part of the Mississippi river known as the Yazoo Pass." Lost.

Mr. **GRAVES** moved an amendment, to appropriate $750,000 for the purchase of the private stock in the Louisville and Portland canal. Lost.

Mr. **CARTER** moved an amendment, to appropriate $150,000 to connect the Hiwassee and Coosa rivers. Lost.

Mr. **UNDERWOOD** moved an amendment, to appropriate $6,000 for the construction of coffer-dams on Green Barren river. Lost.

Mr. **CHAPIN** offered an amendment, for the improvement of Port bay, New York, $10,000. Lost.

Mr. **ASHLEY** offered an amendment, for the improvement of St. Francis river, $30,000. Lost.

Mr. **WILLIAMS**, of Kentucky, moved to strike out the clause, "For continuing the improvement of Cumberland river, in Kentucky and Tennessee, thirty thousand dollars," and insert, "For continuing the improvement of Cumberland river, beginning at the mouth of Laurel, which is hereby declared a port of entry;" which was rejected: Yeas 17, nays 99.

Mr. **BOYD** moved to amend the clause, "For continuing the improvement of the Cumberland river, in Kentucky and Tennessee, thirty thousand dollars," by inserting after the word "Tennessee" the words "commencing at its mouth." Lost.

Mr. **HAWES** moved to strike out the following clause: "For continuing the removal of obstructions in the Chipola river, in the Territory of Florida, four thousand dollars." Lost.

Mr. **SMITH** moved an amendment, "for completing improvements between the rivers St. Mary s and St. John's, $5,000." Agreed to.

Mr. **HAWES** moved to strike out the following: "For continuing the removal of obstructions in, and improving the navigation of, the Escambia river, in the Territory of Florida, five thousand five hundred dollars." Lost.

Mr. **CORWIN** offered an amendment, to appropriate $25,000 for incidental expenses attending future surveys. Lost.

Mr. **ROBERTSON** offered an amendment, to provide for the removal of obstructions in James river, below Richmond, $50,000. Lost.

Mr. **STORER** moved to amend the clause, "For the further improvements at the mouth of Huron river, four thousand three hundred dollars," by inserting after the word "river" the words "in the State of Ohio." Lost.

The bill having been read through, on motion of Mr. **MITH**, the committee rose, and

The House then adjourned.

Thursday, June 23.

POST OFFICE DEPARTMENT.

Mr. **CONNOR**, from the Committee on the Post Office and Post Roads, reported the "bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," with the amendments of the Senate thereto, with the recommendation that the House concur in the same. The bill and amendments were committed.

On motion of Mr. **CONNOR**, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Howard in the chair,) on the above bill.

Some of the amendments were concurred in.

The amendments increasing the salaries of the clerks of the Department were disagreed to.

The question being on the amendment of the Senate, striking out the 43d and 44th sections, which prevent the postmasters from receiving any emolument from pigeon-holes, or boxes,

Some debate took place, in which Messrs. **PHILLIPS**, **MANN** of New York, **ASH**, **JOHNSON** of Louisiana, **EVERETT**, and **BRIGGS**, took part, when the hour of 12 o'clock having arrived, the committee rose.

IMPROVEMENT OF HARBORS, &c.

The House then went into Committee of the Whole, in pursuance of the special order of yesterday, (Mr. Lincoln in the chair,) when

Mr. **VINTON** moved to reconsider the vote by which the committee adopted an amendment to the harbor bill, making an appropriation of $50,000 for the improvement of the Ohio river between Pittsburg and the falls, $50,000 from the falls to New Orleans, and $30,000 for the Mississippi and Missouri rivers, above the mouth of the Ohio; which motion was agreed to.

Mr. **VINTON** then modified his amendment, by inserting an additional clause, appropriating thirty thousand dollars for the improvement of the Ohio river, between Pittsburg and the falls of the Ohio.

After some remarks by Messrs. **VINTON**, **SMITH**, **UNDERWOOD**, **ASHLEY**, **HAWES**, **LANE**, **E. WHITTLESEY**, **HUNTSMAN**, **BOON**, **MERCER**, **DENNY**, and **CHAMBERS**, the amendment of Mr. Vinton was adopted.

Mr. **ASHLEY** then moved the following, as a modification of the above: "For the improvement of the Ohio and Mississippi, from Louisville to New Orleans, seventy thousand dollars; for the improvement of the Mississippi river, above the mouth of the Ohio, and the Missouri river, to Independence, $50,000, in such manner, and for the removal of such obstructions, as the Secretary of War shall direct;" which was agreed to.

The bill was then laid aside, and the committee proceeded to consider the bill making appropriations for certain harbors therein named, and for other purposes.

The bill having been read through, Mr. **BELL** moved to strike out the enacting clause of the bill. He did so, he said, for the purpose of trying the sense of the committee on the principles of the bill. Mr. B. then spoke at some length, going fully into the merits of the bill.

Before Mr. Bell had concluded his remarks, the hour having arrived,

The House took the usual recess.

Evening Session.

IMPROVEMENT OF HARBORS.

The House went again into Committee of the Whole on the state of the Union, (Mr. Lincoln in the chair,) on the "bill making appropriations for certain harbors for the year 1836."

The question pending was the motion of Mr. Bell to strike out the enacting clause.

Mr. BELL resumed and concluded his speech, as given entire, as follows:

Mr. Chairman: I look upon the present bill as the result of that disposition, or rather determination, which has been manifested throughout the session, to bring the wants of the Government up to the increased revenue of the country, instead of keeping the public revenue down to the actual demands of the public service, which has always heretofore been regarded as the true policy of the country. It is because I regard this bill as an emanation of this new system of policy, chiefly, that I oppose it. The bill provides for the improvement of a great number of harbors and inlets upon our lake and seacoast, which have heretofore escaped the notice of the Government, although improvements of this nature have, for many years past, been patronised by Congress. I take it for granted that the several items or objects contained in the bill stand upon equal grounds, so far as regards their importance, and the expediency of making the appropriations demanded for them. It will, therefore, follow, that one part of the bill might as well receive the support of Congress as the other; and those who are opposed to it will act more wisely by making opposition to the principle and policy of the measure as a whole; it will also save time, if the strength of the bill can be tested at the outset. If a majority of members shall be in favor of the principle of the bill, then it may be passed without further delay. To effect this object, and to enable me to take that view of the subject which I desire, I move you, sir, that the enacting clause of the bill be stricken out.

[After the question was stated from the chair, Mr. B. proceeded.]

I did not think it worth while, Mr. Chairman, to oppose what may be called the old harbor bill, because the public works provided for in it are already commenced, and have been in progress for a series of years, under annual appropriations for their completion; but a hope may be entertained that opposition will not be altogether unsuccessful to this bill, after the experience we have had in relation to the old one. It is the nature of these works never to be completed. Most of the works in the bill which has this moment passed the committee are very old acquaintances of the old members of this House. I remember most of them as far back as the first session I had the honor of a seat in this body. For several years, many of them were reported as only requiring one more appropriation to complete them. When the officers who had charge of them became ashamed of repeated impositions of this kind, the language in which the appropriating clause ran was changed; and works that seemed upon the point of completion eight years ago, now require thousands annually for their permanent construction and preservation! It is notorious, that many of the old works of the kind enumerated in this bill fell into decay before they became useful to any extent, and the first improvements, made at great expense, were either abandoned as useless, or became dilapidated, and required reconstruction. All those harbors may be regarded as bottomless pits of the Treasury. You may expend tens of millions upon them, and still as many will be required; and then no man can see any termination to the demand for further appropriations. Sir, the present bill, although large in amount, would be no cause of alarm to me, if the expenditure now proposed were all that would be required; if, sir, I could foresee that, at the end of five or even of ten years, there would be an end to further demands, I would be less concerned. But, sir, we know from experience, that whatever may be the original estimates of the cost of these works, the actual expenditure is never limited by them. There is not one of the old works, I venture to say, which has not already had expended upon it fifty or a hundred per cent. beyond the original estimate. It may, then, be taken for granted that each of these new works, like the old ones, will be perpetual drains upon the Treasury, not only in our times, but in the generations that are to come, for there is no limit to invention in this business of making artificial harbors. I do not say that, in all cases, these expenditures will be useless. No, sir, money can accomplish any thing in the way of improvement. Harbors may be constructed by skill and capital, where nature seems to have forbidden the undertaking. It is only questionable whether, when we have so many fine harbors on our coast, constructed by the great Maker of all things, it is wise to drain the pockets of the people, and absorb the Treasury, in adding to their number. Let us look at the progress of this branch of the system of internal improvement, in the amount of expenditure. In the year 1835, the entire amount appropriated to these objects was $505,057. The bill which has already received the sanction of this committee provides an expenditure for the present year of nearly $700,000—[a member said $800,000;] a gentleman near me states the amount at $800,000. The bill under consideration proposes to apply $927,264 to new works, making an aggregate of upwards of $1,700,000—more than three times the amount of any former year! What amendments may yet be made to this bill I cannot foresee, but there is little hope that the amounts will be reduced, unless the entire bill shall fail. Well, sir, do honorable members see nothing alarming in this? Is there no evidence here of that disposition, or rather of that determination, to extravagance which I have charged? If this bill shall pass the present Congress, it will of itself lead to an expenditure of ten millions. Yes, sir, when ten millions have already been expended, in looking forward, we might be cheered with the expectation that yet another ten would close up this gulf of the Treasury.

I have said that I regarded this bill as the result of a deliberate system of extravagance—of a plan for increasing the wants of the Government, and of exhausting the Treasury. Was I not right in this assertion? Look at your increased expenditures in every branch of the public service. But, sir, why descend into particulars? I affirm that your Committee of Ways and Means of this House was organized upon a principle of extravagance. Look at the composition of that committee, sir, and then tell me if it was not constituted with deep design, and expressly with a view to the largest expenditure for which a pretext could be found, in every branch of the public service. Was there ever such a Committee of Ways and Means appointed in this House? Was there ever a more palpable desertion of the principle of representation—a more shameful abandonment of the interests of the entire interior of the country? Who are the members of this committee? At the head of the list we find the gentleman from New York, [Mr. Cambreleng,] representing the largest city in the Union, deeply interested in the largest expenditures upon the navy, upon fortifications, and public works of every description. Next we find the gentleman from Baltimore, [Mr. McKim,] the representative of similar interests, and nearly to as great an extent. Next we have the gentleman from Virginia, [Mr. Loyall,] who represents the Norfolk, or rather the Gosport district, which, besides a navy yard, which may be made to exhaust any amount of money, has within its limits two fortifications, which have already cost the Government nearly three millions of dollars, but are worth—really worth—scarcely one cent in the way of protection; yet they are annually the objects of large appropriations. We next pass to the distinguished gentleman from Maine, [Mr. Smith;] I say distinguished, because he is distinguished as a gentleman of business habits and intelligence, as a member of this House. This gentleman represents a seaport also, (Portland,) upon a coast of numerous harbors and inlets, all of which could be greatly improved by money, and all of which might plausibly demand to be fortified. We next arrive at my friend from Massachusetts, [Mr. **Lawrence**,] who represents Boston, a place deeply interested in large expenditures upon the navy and fortifications. The next on the list is the learned gentleman from Pennsylvania, [Mr. **Ingersoll**.] He, too, like the five already noticed, represents a large commercial city, having all the interests, to a great extent, that the others have, in large expenditures. Last on the list is the gentleman from Georgia, [Mr. **Owens**.] He also represents a large and important commercial city, (Savannah,) and, like the rest, having a deep interest in large expenditures. Well, sir, to represent the interests of the interior, and of economy, we have two gentlemen, one from Ohio, [Mr. **Corwin**,] and one from Tennessee, [Mr. **Johnson**;] two against seven! Seven members of the committee representing districts on the seaboard! I wish every one to draw his own conclusions, but I have seen enough in the action of this House, in the course of the session, to corroborate the inference I have drawn from the peculiar organization of this committee. I must not be understood to impute either a want of integrity or patriotism to the members of this committee. I respect all the gentlemen whom I have described as the representatives of districts on the seaboard. But they are bound, from the very nature of our representative system, to have opinions in common with their constituents, especially upon this subject of expenditure; and I repeat, that this committee was organized upon a principle of increased and extravagant expenditure.

It would seem that this bill is intended to lay the foundation of a permanent system of expenditures of this nature. The preamble alarms me. It is new to me. The annunciation of purpose is imposing and high sounding, and denotes design—"To provide for the protection of the commerce and navigation of the United States." The protection of the commerce of the United States! Would not that grand object embrace improvements in the interior, as well as upon the exterior boundary of the country? This Government is authorized by the constitution to extend the same degree of protection to the inland commerce that it may to foreign trade. The power in the one case is conveyed in the same language that is used in the other; yet all the improvements proposed by this bill are upon the exterior boundary of the Union. I know it may be said that improvements of the interior channels of communication and trade may be properly included in a distinct bill. That is true, and such has been the practice to some extent. But to what will this lead in the end? Without doubt, to a perpetual struggle between the States of the interior and the States upon the lake and seacoast, for an equality of benefits—of expenditures which would exhaust the revenues of any country.

But, in connexion with this view of the subject, consider for a moment the monstrous—I will not say intolerable—inequality of this system of improvement; for, if I were compelled to the act, I might submit to much greater, rather than break up this Union. But is it fair, is it just, necessary, or reasonable, that this inequality shall exist? Some of the large States in these bills receive $50,000, some others $100,000, and one large State (New York) will receive upwards of $200,000 this year, to be expended within its limits, and upon objects calculated to increase its relative advantages over the other States of the Union, while other States do not receive one cent; and this inequality is to be established forever! It cannot be. The States of the interior must look to their interests; they will look to their interests, if this system goes on, to whatever extreme it may lead. My friend from Virginia [Mr. **Wise**] said, on yesterday, that there will be no more appropriations for these improvements; that there will be an end to all such works now, since we passed the deposite bill. Well, sir, ought this result to be lamented, if it shall turn out to be one of the effects of that bill, which is practically a bill for the distribution of the surplus of the Treasury? Ought the passage of that bill to be deprecated, because it may terminate a system of improvement, which, from the relative locality of the State, must, after all, be unequal and productive of great discontent, and the most wasteful expenditure of the public treasure? Sir, if that bill shall effect no other good but this, it will well deserve the support and approbation of the public. The States, having the means, will be much better judges of the importance of improvements within their limits; and they will be generally more economical and judicious in the management of them than this Government can be. Each one will expend no more than its due proportion, and none will have cause to complain. We shall at the same time escape the disgraceful combinations by which these bills effect their passage through this House. My friend from Virginia also thinks that another effect of the distribution of the surplus will be to revive and uphold the American system, to increase the tariff, and sustain an expensive system of improvements by the States. That gentleman must have forgotten that the feature in the system to which he alludes—I mean the American system, which was thought to be most dangerous, and promised to be most effective in giving it permanency—was the inequality of the distribution of the revenue produced by a high tariff. The States of the Northwest, which were new and susceptible of improvement to any extent, were expected to combine with the manufacturing States, and secure to themselves all, or nearly all, the benefits of the united interests of the system. The States of the West were to have the money expended within their limits, which was paid into the Treasury by the people of all the States; and in this result the South was expected to continue to pay, while others received as well as paid. It was the inequality of the benefits which was expected to give permanence to the system. Where all receive in an equal degree, there is a community of interest in opposing unjust and unreasonable taxation. My friend also contends that the practice of distribution will cripple the operations of this Government; that it will be stripped to the bare poles. The argument is, that the avarice of the States, and the desire to increase the funds at their disposal, will prevent the necessary appropriations for the support of the General Government. Not so, sir. If it be true that the States shall feel a deep interest in a system of distribution, in order to effect those great purposes of education and improvement, the first duties of the local Government, it argues but little foresight or wisdom in them to suppose that they would consent to weaken this Government in any of its essential powers. To enable the Federal Government to raise a large revenue from the customs, or to enable it to preserve and husband the public lands as a source of revenue, all its necessary powers must be maintained in due vigor, and this the States will be ready enough to concede. We must have a sufficient army and navy, and our civil establishment is never likely to be too small for the service.

My friend also laid down another proposition, in which, I think, he was mistaken. He remarked, in relation to the abuses growing out of the condition of the Treasury, and to the remedy that had been provided for them by the bill for distributing the surplus, that they were both evils; and the difference between them was, that the one might be reduced to a system, and the other never could. The experience of all Governments, the history of the world, is against the correctness of this conclusion. A

Government never goes backward in expenditures and extravagance. Great and expensive establishments are never reduced under any Government, except sometimes at the close of a war a military establishment may be reduced; but, sir, as a general principle, the progress of expenditure and profusion in any Government is continued and forward, and revolution alone can terminate it. [Mr. Wise inquired if his friend from Tennessee understood him to advance a different proposition. Mr. B. said he did. Mr. W. then explained, and stated that his argument was, that the present insecure and anomalous condition of the public deposites could not be reduced to a system.] I am glad to find, said Mr. B., that I did my friend injustice in the inference I had drawn from his remarks; but I must take leave to say, that I think the greater evil to be remedied--much the greater calamity which threatened to befall the country by reason of the existing state of the public Treasury, was an increased number of public officers--increased naval and military establishments--an undue increase of Government patronage--and a profuse and profligate waste of the public treasure in every department of the public service: this, sir, was the true disease which called for a prompt and efficient cure. I trust, and confidently believe, that the distribution of the existing surplus in the Treasury will effect this great purpose. I shall be grievously disappointed if we do not, in a very short time, find the country roused to inquiry in regard to the public expenditures, in such a manner as to give an increased efficiency to the Government by salutary curtailments, while, at the same time, the necessary supplies for the support of Government will be liberally granted. I am surprised to find that any gentleman, who claims to belong to the State rights school, should be opposed to this measure of distribution. Why should they be alarmed at the prospect of adding strength and importance to the States? To do this, has, heretofore, been the great aim and the object of most solicitude to the State rights party. How to reduce the power of the Federal Government, has, heretofore, been the great desideratum with that party. It sounds strange to my ears to hear objections from that quarter to the late decisive measure of this House in relation to the surplus. But, sir, I must again revert to what I consider the first and chief good which we may hope will grow out of this measure—the reduction and limitation of the expenditures and patronage of this Government. We have had some experience already of the disastrous, the ruinous consequences of an overflowing Treasury. Look at your more than double appropriations for the present year; your Indian wars, and the enormous expenditures required to carry them on! If the late measure shall have all the effect which I anticipate from it, we shall soon see a spirit of inquiry into every abuse of the Government spreading itself over the country. The true measure of supply for the support of Government, and the various public establishments, will be estimated. The utility of the public works proposed to be constructed will receive its due share of attention, and no longer be regarded as subordinate to the mere object of expenditure. We shall no longer be carelessly and recklessly exposed to the hazard of foreign war, nor to savage massacre, in multiplied Indian hostilities, because our resources are felt to be ample for any emergency, and our Treasury is known to be redundant. Sir, I repeat the idea, that our Indian wars have resulted from a sense of the vast powers and resources of this Government and the abuse of its patronage. While an indifference, and even contempt, of an Indian war, continue to be felt by the Government, neither the vigilance, nor precaution, nor the energy necessary to prevent hostilities, will be applied. Sir, is it not true that Indian wars have been raging within the last six months, which have cost the lives of hundreds of our citizens, and will cost the Government more than ten millions of money, and which have never yet been thought worthy of a communication to Congress by the President? Sir, I congratulate the country that we may look forward, with confidence, to times when there will be some responsibility felt by our public servants, and some accountability exacted from them by the people.

The passage of the bill for the distribution of the surplus revenue among the States has been attributed to various causes of a political nature. The true cause of the great and unexpected favor which that bill found in this House is to be found in the unexampled spirit of extravagance manifested throughout the session, in the appropriations and public expenditures of every kind. Strange, therefore, and paradoxical as it may appear, the Committee of Ways and Means, or rather the chairman of that committee, who has repeatedly avowed himself against it, is yet entitled to the chief merit in passing it. This credit he is justly entitled to, and the country will no doubt, duly appreciate his services.

We are now, Mr. Chairman, near the close of a parliamentary year, one of the most eventful in our history, and one that must be long felt, and remembered for good or for evil, in the further progress of this Government. I wish I could consume the time necessary to a review of all the most remarkable measures and incidents which have distinguished our proceedings during the present session. Such a review from some one more competent than myself would be a public benefit. I cannot refrain from adverting for one moment to the extraordinary disorder and constant violation of all sound parliamentary rule and practice which has prevailed throughout the session. Every member must feel that the character of the House has been deeply affected by those circumstances, in the opinion of the public. Another session of equal length and disorder must end in disorganization, or vest the entire actual power of the Government in the hands of the Executive. If public respect and public confidence shall be lost in the House of Representatives, we shall no longer have it in our power to boast of a free Government. I would not be understood as charging all the disorders of the session to the presiding officer of this House; he, it is true, must come in for his share of responsibility; but to the House itself must attach the greater reproach. It is the absence of a proper regard for the propriety and the order of our proceedings in the members of the House themselves, which alone can account for those repeated scenes of disorder, and the utter contempt for all the laws established by long parliamentary practice, so often manifested in the course of this session.

I do not wish to discriminate between parties in these observations. It is a subject which ought to be felt as far above party feeling and influence. It concerns every patriot of every party to turn his attention to the correction of the evil. I cannot but remember, however, that during the whole period of the session, there has been a labored effort, through the columns of the Government journal, (the Globe,) to identify me, humble as I am, with all the disorders and abuses of the session. I have been constantly held up to the public as an agitator, a disorganizer, and one who deliberately sought to thwart the business of the House, and especially to embarrass the Speaker. That there is great injustice in this charge, that a more gross and unfounded calumny never was propagated, I appeal to the impartial of all parties in this House.

In a late number of the Globe, an article appeared headed "confession of the leader of the White party;" and, in the body of the article, I was represented as having stated, in a speech, that "the minority of the House were tyrannized over, and they were naturally in a refractory, restless, and perturbed condition; and, if they could not be heard orderly, they would do so disorderly." The editor did me over honor in assigning me the rank of leader of the White party; but the injustice and the falsehood of the charge I have stated was felt by every member of the House who heard my remarks in the debate referred to in the Globe. It is true I stated, in that debate, that the minority were tyrannized over in the House; that in the proceedings of a former day they had been compelled to act—to vote—and yet their lips were sealed, by the decision of the Chair, against utterance of complaint or explanation; that they had only desired to state a fact, which had been misstated from the Chair, but that too was denied them; that, to add to the injustice and tyranny of the proceeding, the Globe came out a morning or two after with an article, in which the question was falsely stated, and the most unworthy and disgraceful motives ascribed to every individual, but one, who voted in the minority. It was such injustice, such tyranny as this, which I said naturally tended to produce restlessness, and a violent temper in the minority; and, for this reason, I invoked a spirit of forbearance and moderation on the part of the Chair, and the majority of the House, towards the minority. But, sir, so far was I from giving my countenance and support to the course of the gentlemen who refused to vote when their names were called upon the resolution of the gentleman from South Carolina, [Mr Pinckney,] that I stated explicitly and expressly, if the House passed a vote not to excuse them, and they should, in contempt of the authority of the House, refuse to do so, I should feel myself bound, in vindication of the necessary power of the House, to vote their expulsion from this body, as painful as it might be to my feelings on personal grounds.

In another and later article of the same journal, the minority in the House are charged with having resorted to "every expedient" to thwart the public business; and I am specially referred to as having contributed largely to this object. I take this occasion to say, that every charge of this nature is without the slightest foundation in truth. It is due to myself that I should also avail myself of this occasion to say, that, in regard to the proposition to abolish slavery in this District, and the abolition question generally, I differed with many of my friends in this House, as they very well know, as to the most judicious mode of managing it. In all the discussions which have taken place upon that subject, I have been generally silent; and when I had occasion to take some part in the incidential questions which have grown out of it in the progress of the session, it will be recollected by the members of the House I sought to allay, rather than increase, excitement; though I could not agree with the moderate party in all their views of that question, nor could I vote with those who sought to suppress all discussion by a violation of the right of speech in this House. As to the other expedients for exhausting the time and thwarting the business of the House, I affirm that, upon no occasion, and in no instance, I have lent myself to any such purpose. In the whole course of the session, I do not remember that I have demanded the yeas and nays but once; and that was upon the resolution I offered changing the hour at which this House should meet in the morning from 12 to 11 o'clock.

But, sir, the wide range of debate indulged in by me, and the time I consumed in the discussion of the naval appropriation bill, has been the pretext of the grossest misrepresentation. As humble an individual as I may be, it has been my fortune within the last year or two to have been the object of the most bitter and unqualified denunciation and calumny by the leading journals in the interest of the party in power. I have, at the same time, been the object of unremitted attack and denunciation by those who occupy the highest stations in the Government. My support of a distinguished Senator from Tennessee for the presidency has been ascribed to the most unworthy private motives, and every ground of public principle or of public interest, in justification, has been denied. Sir, these attacks and these misrepresentations have been continued up to this day. It was natural that, upon the meeting of Congress, I should seek the earliest opportunity of giving an exposition of my course, and the motives which led to it; or, at least, to show that the friends of Judge White were at issue with those of the Vice President, [Mr. Van Buren,] in regard to principles of the highest grade and importance. Well, sir, I sat in my seat from the first of the session, and waited patiently for an occasion upon which I could properly, and without seeming to trespass upon any rule of order or propriety, make the remarks which my feelings and judgment both dictated as proper. I had resolutions drawn up which imbodied all the propositions I was desirous of establishing; but, sir, no privilege was allowed me of offering them. It is an extraordinary fact, and it is as unprecedented as it is extraordinary, that no member, from the first of the session to this day, has been at liberty to offer a proposition of any kind to the House, without the consent of two thirds of the members. The appropriation bills came up in January, but I declined going into an extended discussion upon them at that time, upon the ground, as I then expressly avowed, that I was unwilling to delay the passage of the bills while there was the remotest prospect of a war with France. But when the naval appropriation bill came up for consideration, about the middle of March, and after the cloud of war which had lowered for a season upon the eastern horizon had passed away, I availed myself of an undoubted parliamentary privilege to discuss fully every question I thought proper to bring to the notice of the House and of the country. But this, again, became the pretext for renewed attacks. After having my lips sealed for four months by the artful and arbitrary course of proceeding of the House, when I at last seized a proper occasion for the expression of my views, I was not only assailed for this act in the most gross and offensive manner, by the official paper of this city, but I was made the subject of repeated attacks in this House. A deliberate attempt was made to insult me by a movement in the House at the close of the discussion upon the naval bill, under circumstances which left me no redress. Those who advised and originated that movement did not dare to show themselves, nor will they. For that speech I have been a standing object of reference and insult by a member from New York, [Mr. Mann.] A member from North Carolina, [Mr. Speight,] after having been absent a great part of the session, signalized his return to his duty here by spying out the condition of the House at one time when I was speaking; but not supposing that he had sufficiently propitiated those who have the power and the will to reward such services, by catering for the columns of the Globe, he travelled out of his path upon another occasion, with a view to furnish fresh matter of comment upon the subject of my speech upon the bill alluded to. I suppose the gentleman may now feel sure of his aim.

But, sir, besides these instances of gross personal attack in this House, a number of gentlemen followed me in the course of the discussion, both upon the naval bill, and fortification bill which succeeded it, many of whom grossly misrepresented my arguments, and some of whom assailed my motives; but, out of respect for the wishes of the House, and to avoid any just ground to suppose that I desired to delay the business of the House by repeated replies and interruptions, I have forborne to answer or notice what has been said. But we are now drawing near the close of the session, and I appeal to the liberal and generous feelings of honorable members, whether I may not be permitted to reply to so many and such repeated attacks and misrepresentations. [Cries of Go on.]

Against the gentleman from Virginia, [Mr. Garland,] who followed me in the debate already alluded to, I have no complaint to make, except that in his speech, as it is printed, and no doubt as it was spoken also, he has stated that eleven members of the Tennessee delegation in Congress, of which I was one, held a meeting, and that "they intended to nominate and recommend a candidate for the presidency, and did so."

[Mr. Garland explained, and said that he certainly did not intend to misrepresent the motives or objects of the meeting alluded to.]

I know the gentleman did not intend any such thing, for his liberality and courtesy were too manifest throughout his speech to admit such an inference; but I wish now to correct the impression under which he made that statement, by declaring that the Tennessee delegation, at the meeting alluded to, neither intended, nor did they nominate a candidate for the presidency; nor did they even recommend one to the consideration of the people. The next gentleman who did me the honor to notice my remarks was the gentleman from Maine, [Mr. Jarvis.] That gentleman said, in alluding to me and my course as a member of this House, "that having seen in the public journals, during the last year, while he was canvassing for re-election, the professions of his attachment to the administration, I was not prepared for his opposition." The insinuation is, that I obtained my seat here by professing an attachment to an administration which I did not feel. I deny that I have ever, upon any occasion, or for any purpose, professed a greater attachment to the administration than I have manifested upon this floor, by any thing I have either said or done. I consider the man who could practise such a deception upon the people, with a view to a seat here, as unworthy to occupy one. But the charge insinuated against me is false in every particular. I deny that the gentleman from Maine saw in the public journals any professions of attachment made by me, of the nature he leaves it to be inferred he did, during the last year. The gentleman also significantly inquires, "Whence the sudden flood of light which has gushed upon his benighted eye-balls, disclosing deformity, where all before was fair?" I answer the gentleman, by affirming that the time never was when I regarded all as either fair or defensible in the conduct of this administration, as he will find by my votes on many questions, at an early period of its existence. The gentleman does me wilful injustice in imputing to me general opposition to the administration. There is no one principle, or any one measure of general policy, identified in any manner with this administration, and which I have heretofore supported, which I do not now support. But I am willing to answer the gentleman with more candor upon this point than he makes the charge. It is the party association to which he belongs that I have refused to support. It is the party which claims to be the Jackson party; and it is my opposition to this party which has surprised the gentleman; and if he would know why I will not co-operate with them, I answer, because this party, which now claims to be the republican party, is no more like the true old republican party in the United States, than the semblance is like the reality.

A gentleman from New York [Mr. Vanderpoel] next made some allusions to my course, which require notice. "In the tremendous conflict," said the gentleman, "of the panic session, where was the eloquent and potential voice of the gentleman who represented the Hermitage district?" It was, he continued, "for all the purposes of vindication, as mute as the grave, and much to the wonderment of many gentlemen. If the gentleman had quoted more fully from the columns of that journal from which he must have imbibed the spirit of his remarks, he would have furnished the solution of what he affects to consider a mystery, as given by the editor; and he might, with equal propriety, have adopted the entire slander. The gentleman speaks in perfect consistency with the principles of his party, when he makes the support and praise of General Jackson the true test of patriotism and merit upon every question. But I am surprised that the gentleman from New York should feel at any loss in accounting for my course upon the question of the removal of the deposites; he ought to know that there were sufficient reasons for my course in the character of the measure. But, sir, lest he should be left in ignorance, I will inform him that I happened to know rather too much in relation to the objects and means employed in bringing about that measure. I beg leave to say that I had no information from any high official source, nor from any other of which it is improper for me to speak; but I did know quite too much about the necessity which was supposed to exist for drawing a party line, especially after the delivery of a certain speech at Pittsburg.* I happened to be too well informed of the intrigues by which that measure was brought about; and I am not surprised that three of the gentlemen who had a leading influence in the matter now fill three of the highest stations under the Government. Will the gentleman be satisfied with this answer?

I come now, sir, to notice the remarks of the gentleman from Georgia, [Mr. Towns,] as I find them in a printed speech, which has been very widely circulated. I must say that the gentleman has surprised me by the general tenor of that part of his printed speech in which he professes to reply to me. I cannot conceive of any personal motive which the gentleman could be actuated by; and I am quite sure that no public consideration could have been so urgent as to call for a representation of my course and my remarks, so entirely different from both. The gentleman charges me, in pretty plain terms, with having calumniated the majority of the House; and that I "make them more servile, dishonored, and disgraced, than slaves." I deny that I have ever imputed such qualities to the members of this House. When I said that if the President had willed that there should be war with France, war we must have had, whatever might be the private opinions of members, I did so in express reference to party obligations, and the nature of the pledges under which the members of Congress were elected in these times of high party excitement; and that was, unqualified support of General Jackson and his administration. I have the happiness to know that, although I spoke with the greatest allowable freedom, many of the most respectable members of the majority acknowledged that I did not fail in the respect and courtesy which are always due to this House and to its members. Sir, whatever I may have thought, whatever I may now think, of individual members of the majority, I am gratified to be able to say that a large portion of them are very far from deserving the character which I have been made to give them. But since the gentleman has become the champion, and volunteered in defence of the party to which he belongs against all charges of a want of independence, I would like to know how he has entitled himself to this pre-eminence among his fellows. By what single act of independence has he asserted his title to the rank which he assumed? I know of none; and, therefore, if I had actually made the charge against him which he alleges I made against the majority of the House, he would have had no cause to complain. The gentleman remarks in another part of his speech, in speaking of the supporters of Judge White, that he has "never yet heard an avowal of their creed." "I do not know," he continues, "the principles they profess." I will let the gentleman into the light of some of them before I sit down.

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* I ought to have said, after the peace and harmony of the Union were preserved by the compromise tariff bill, and especially after the delivery of a certain speech at Pittsburg.

The gentleman from Georgia, in his printed speech, represents that the distinction I had drawn between a caucus and the meeting of the Tennessee delegation in December, 1834, was, "that there was no regular notice given" of the latter; that "there was no chairman, no secretary, no record or minutes kept," leaving it to be inferred that a nomination of a candidate was both intended and actually made. Reference is so often made to this meeting, and so many misrepresentations of the objects of it are abroad, that I will take this occasion to state the real object and character of the meeting. I have already stated that no nomination was made by that meeting, and I now aver that it was the unanimous opinion of the meeting that no nomination should be made. Even the letter addressed some days afterwards by a portion of the delegation to Judge White was not resolved upon at that meeting. [Mr. STANDEFER said it was not spoken of.] My colleague reminds me that it was not spoken of at the meeting. I now state, for the information of all whom it may concern, that that meeting was the result of the insinuations and affected doubts of a small number of the delegation, in relation to the course of some of their colleagues who were more honest and candid than themselves. The meeting was gotten up, in fact, though not avowedly, to solve these doubts, and to test the views of those whose sincerity had been questioned. Well, sir, the meeting took place, and was attended by myself and all my colleagues, except three of the House, and one of the Senate, who was expected to attend. In the meeting there appeared to be no disguise or equivocation on the part of those who had, without their knowledge of the object, been brought there to ascertain their real sentiments. They frankly, and without hesitation, avowed their preference for Judge White, and their determination to support him. The next day, to the astonishment of every member of the delegation but themselves, the two gentlemen, one a member of the House and the other of the Senate, whose suggestions had actually brought about the meeting, together with another of their colleagues who attended the meeting, openly changed their ground, after having but the day before expressed an unqualified intention to support Judge White; and two of these gentlemen, [Messrs. POLK and GRUNDY,] sir, are at this moment in the enjoyment of the rewards of their hypocrisy and their treachery to their colleagues.

The gentleman from Georgia, in another part of his speech, makes the following statement and reference to me: "Of all the charges that have been made against the President, and the party in support of his administration, whether from false friends or open enemies, it has been reserved to the gentleman from Tennessee to go a full bar's length beyond the limits of the most daring; and at one stroke of the pencil to draw the tyrant, the usurper, the crouching sycophant, and the degraded menial." "Could that venerable old man, under whose paternal wing the member from Tennessee has no doubt often felt his greatest security, utter one word of complaint for the injustice done him, might he not, in the language of the poet, exclaim—

> "The arrow that deepest in my bosom went,
> Flew from the bow pretended Friendship bent."

Now, sir, all this is mere fancy work, and no one fact, either openly stated or covertly insinuated in the remarks I have quoted from the gentleman's speech, is founded in truth. The imputation upon my course towards the President I regard as dishonorable in the last degree; and if I felt myself capable of such baseness, I should think myself unworthy of a seat in this House. Whatever I may have thought, or however much opposed to some of the measures and conduct of General Jackson, I have always left it to his enemies to abuse him. Neither in my late speech, nor upon any other occasion, have I said that he was either a tyrant, a usurper, a crouching sycophant, or a degraded slave. The crouching sycophant, or the degraded slave, it is impossible that General Jackson should ever be. He may be the master of slaves and menials, but nature has disqualified him from becoming one himself. The gentleman must have had some other person in view when he drew the picture of the false, ungrateful, and pretended friend; or he must have derived his information in relation to my course from some one who is utterly reckless of the truth of what he stated. He doubtless had in his mind some one of that throng who have been blown into repute and place of late, only in consequence of their unqualified, unscrupulous praise of General Jackson. But, sir, great as General Jackson is, eminent as he is in rank, in station, and in the public mind, he is still but a man; and I have never yet bowed myself down below the level of a man, to win his favor, or that of any other man. My services to him, too, have always gone beyond my professions, both here and before the people. I will also say to the gentleman that I never yet could bring myself to deal in eulogies upon any man in power. The highest rewards he could bestow, I would regard as too small for such service. The gentleman from Georgia could not have been more unfortunate in the invention of a charge to make against me, than he has been in representing me as receiving protection and security under the "paternal wing" of the President. Sir, I venerate the President for his years, and the eminent service he has done his country upon many occasions; yet I must say, in justice to myself, that I never sought, and never received, protection or advancement from him. Though I would not volunteer the declaration, yet, since this occasion is accidentally afforded me, I must say, further, that I feel a just pride, considering the circumstances of my present position, in being able to state that, in every contest in which I have been concerned, whether before the people or in this House, I have ever found the President my most powerful opponent.

Here, sir, I should close my remarks, but I have promised that, before I sit down, I would give some explanation of the grounds and principles upon which those with whom I act in this House, and out of it, have taken their course in relation to the succession. I am also too deeply persuaded that the crisis demands the fullest development in the power of any and every one to give of the dangers which at present beset us.

If ever there was a time in the history of this country which called, imperiously called, for the discussion and settlement in this place, in this hall of the Representatives of the nation, of great and fundamental principles; principles intimately and indissolubly connected with the liberties and happiness of this people, the stability and successful action of our happy system of government, it is at the present juncture. Precedents and doctrines are being established, and ingrafted, not only in the public administration of the Government, but in the minds of the people, upon public sentiment, subversive, in my judgment, of the first and most cherished principles of our Government; precedents and doctrines destructive of all the securities provided in the constitution for the preservation of a free representative Government; precedents and doctrines at war with all that has heretofore been regarded as fundamental and organic in the very existence of a free Government.

It is not only consolidation that is menaced, but a consolidation which ought to be equally odious to the federalist and the republican; a consolidation of the most offensive and revolting nature to the feelings and judgment of every freeman, who has not already become callous to every sentiment associated with the name of a republic—of liberty; who is not already dead to all the cherished recollections of the past, and all the inspiring hopes of the future. Sir, ordinary consolidation, the idea of which has, heretofore, been sufficient to excite the fears of many of the most unquestioned patriots of the land, was nothing more than the concentration of all the powers of sovereignty in the Federal Government, of which Congress might still be regarded as a respected, independent, and efficient department. The idea that the representatives of every part of the Union would still annually assemble to deliberate, with the spirit and independence of freemen, upon all the great interests of the nation, though the State authorities and Government might fall into disuse or contempt, constituted some security against the worst that might happen under such a state of things; but the consolidation which is now threatened through the influence of party machinery, and the new doctrines which are becoming prevalent in regard to the uses to which Government patronage may be properly applied, leads not only to a concentration of all the powers of sovereignty in the federal head, but in a single branch of the National Government—in the Executive. Congress, in all things but in name, is to be annihilated. The two Houses of that body are to be controlled by the same means, by the use of the same party machinery, that make and control the President himself. A political joint stock company, acting through the President as their agent, is intended to rule the whole; and rule it will, until some future President, more ambitious than the past, shall apply the whole capital of the company, of which he is the only trustee, to his own use, and spurn from his favor the disciplined corps which brought him into power, as having no more right to rule jointly with him than he has to govern alone; and thus drops the curtain forever upon what may afterwards be denominated the farce of American liberty!

But there is a point of delicacy which I must notice before I proceed further with this branch of my remarks. I shall be forced to speak freely of the course of the President in the remarks which I propose to submit. I know that a sort of morbid jealousy and sensibility, in relation to every thing which may be construed into an attack upon the President, is the natural feeling of a House of Representatives composed chiefly of his friends and supporters. The danger is, that this party interest which exists to repel every thing that savors of an attack upon him, may, and will, lead to a spirit of intolerance, and often to a total suppression of all free discussion and inquiry into his conduct. This disposition to intolerance is greatly increased when a President, like the present one, is not only supported by a large majority in this House, but is, besides, a great popular favorite. Yet, it is precisely at such a period that free and rigid inquiry and investigation are of the greatest importance to the public interest. It is at such a time only that Congress can show itself to be the true, and fearless, and faithful guardian of the public liberty. During an unpopular administration, neither courage, nor industry, nor zeal, are wanting to execute the task of inquiry into executive conduct or abuses. All are ready to discharge a duty which is popular, and in which there is no peril. But it is the duty of this House, under all administrations, whether popular or otherwise, to lend a ready ear to discussions and investigations which relate to executive conduct, power, and influence.

But, sir, I am not certain if an opinion is not becoming prevalent, for want of proper reflection and inquiry, that the President is in no way responsible to this House for any thing he may do; that he is an independent coordinate department of the Government, who is responsible to "his constituents"—to the people; and that we have only to attend to our ordinary duties as members of the legislative branch of the Government; and to take care to be able to answer to the people for our own conduct, without undertaking to question the propriety of what the President has done, or may do. I say, I am not sure if such a sentiment is not becoming common in the country; and I almost blush to think that such a feeling is not altogether unknown in this House. Sir, it is a great mistake, and may be the source of many errors, and of great mischief to the country. The executive chief of the Government is responsible, not only to his constituents, the people, but he is responsible to this House; and this is a part of the theory of this Government which should never be lost sight of. It is true that the idea, which has grown up of late, of the total independence of the President on this House, has become so common, that I am not certain if the bare suggestion of the constitutional duties and powers of this House will not excite surprise, and startle the more devoted friends of the President. But it is fit that we should not lose all recollection of our powers and privileges. It will have some good effect to make continual claim to our constitutional powers, though we may not think proper to exercise them. I will then take leave to repeat, that the President is responsible to this House, in the only way that he could be made so, without depriving him of the shadow of independence as the head of a separate department of the Government—and that is, by impeachment. Ay, sir, the President may not only be impeached by this House, but it is its bounden and sacred duty actually to impeach him for adequate cause. I do not mean to say that the present incumbent ought to be impeached, but I would have this House to be familiar in the knowledge of its powers. The day may come, in the progress of this Government, when a great example will have to be given to the country of the spirit and power of this House; or the Executive, instead of becoming independent only of the House, will actually govern it and the people into the bargain. Sir, the constitution did not mean that, because the people, by their voice, may elevate a man to the presidency, they do thereby sanction, in advance, and engage to submit to, all that he may do in the four years of his term of service. On the contrary, it supposes that a President, thus chosen, may abuse his powers, and deserve to be removed from office; and the duty of supervising his conduct is given to this House. Yes, sir, we are the constitutional supervisors and overseers of the conduct of the Executive.

Having made these preliminary remarks, I proceed to the subject I am most desirous to bring to the notice of Congress and of the country. I allude to the subject of executive and official interference in elections, and the consequent abuse of executive patronage. I regard this as the subject of all others demanding the greatest attention and scrutiny at the present juncture. It is too late to attempt any remedy by legal enactments at the present session of Congress, but it is not too late to invoke the attention of the country to the existence of the evil, and consequences which must grow out of the toleration of it. We can prepare the public mind for future action upon this subject, if we can do no more. I shall proceed at once to speak of the course of the highest officer in the Government, in connexion with this subject—of the President—of him who holds the power of appointment of all other officers in his hands, and whose duty it is, under the constitution, to supervise their conduct, and, as the guardian of the public liberty and of the constitution, to see that they do not step aside from their official duties, and improperly interfere with the freedom of the elective franchise. If he whose duty it is to watch over and control the conduct of all subordinate officers in this respect, shall himself set the example of interference, if he shall lead the way, and become the first in zeal and activity, as he is first in authority and rank, in carrying the election of a favorite candidate for the succession, it will be in vain that we discuss; it will be in vain that we shall devise legal restraints upon the conduct of subordinate officers. If the executive head of the Government may properly interfere in elections, it is decisive of the whole question; and whatever we may do, whatever we may enact, will not be worth the parchment upon which our proceedings are recorded. I am aware that I am treading upon delicate ground in venturing to speak at all of the President, in connexion with this subject. I know that there are many in this country, and for aught I know in this House, who regard as a sort of holy ground that upon which I am about to tread, and that the shoes should be put from off our feet before we dare to intrude upon it; but this, thank God, is not a part of my superstition. I am aware, at the same time, of the difficulty of my position in speaking as I shall have occasion to do of the present Chief Magistrate. It requires some power of discrimination, not ordinarily possessed, to discriminate between the support of a President and his administration, so far as regards measures properly of an administrative nature, and the measures and conduct of the same administration in regard to subjects and objects not in any manner connected with official duty. I have supported General Jackson's administration in most of its prominent and leading measures, as I have demonstrated during the present session, and I expect still to do so; but I have opposed, and I expect to continue to oppose, a certain scheme of policy of his, in relation to the succession of the presidency, in nowise constituting a part of his official duties. But for this opposition I have been constantly assailed in this House for having changed my party and my politics; and for the same reason the cry of anti-Jacksonism is raised against me out of this House, by every unprincipled partisan and partisan press throughout the country. But while I am conscious of standing upon the same ground, and that I am this day supporting the same principles which I avowed and acted upon from the first moment I had the honor of a seat in this House, neither ignorance nor prejudice on the one hand, nor artifice nor falsehood on the other, shall deter me from doing what I conceive to be my duty. Let no one say, then, that in what I am about to advance upon this subject I am attacking General Jackson, or that I mean to make an issue with him, or that I seek to overthrow his administration. I am too well convinced of his great popularity and influence to suppose that any such attempt would succeed, if I were disposed to make it. My attack (if what I shall say shall be held in the light of an attack at all) will be upon that party and those party leaders who have pushed him far in advance upon this subject, and upon every occasion when there was the least danger. The blows which I shall deal will be aimed and dealt upon them; and if he shall feel the force of any of them, it will be the necessary result of his position, and not of any purpose of mine. For one, sir, I do not mean to relinquish my privilege, my right, and my duty to the country, in opposing the election of any man or party to power, because he or they shall by artifice have so contrived it, that every indignant rubuke of his or their principles and conduct must have some reference to the course of a great popular favorite.

I have said that if the President may properly interfere in elections, it will be of no use to provide a remedy against the interference of subordinate officers. I use the term "properly" advisedly; for the question now is, not whether the President has interfered, but whether it is safe and proper that he should do so.

I need scarcely tell this House that the President has interfered in elections. It is well known, I presume, to every member of this House, that the interest felt by the President in the election of a particular individual (Mr. Van Buren) to succeed him in the executive chair, has, within the last fifteen months, been made known to the country in a variety of ways. This has been done with the decision and boldness characteristic of the man in all his great undertakings. It is not so well or so generally known that the President has, in some of the States at least, interfered in the election of members of both Houses of Congress. The most decisive and unequivocal proofs exist of such interference. That I may not be misunderstood, I will state the nature of the interference to which I allude. The most common mode of interference adopted by the President has been the distribution of an unusual and extraordinary number of newspapers, under his frank, containing the most virulent and inflammatory attacks upon the character and conduct of particular candidates. Another mode was, by writing letters, under his own signature, to various individuals, in which candidates opposed to the election of Mr. Van Buren were denounced, and the motives of their conduct impugned. These letters were, in general, industriously circulated, and, as it was understood and believed, without incurring the censure of the President. In one case, such a letter was written to an officer or agent in the service of the Government, and by him freely communicated. In another instance, such a letter was actually and frequently read from the hustings by a candidate for Congress, to large assemblies of the people. Of all these facts the proofs are now in my possession, or in the knowledge of members of this House; and they will be produced, if any gentleman upon this floor shall question any part of my statement. But the interference of the President in the election of a successor has, in two instances, been of so striking and peculiar a nature as to demand a separate notice. I allude to his attempt to influence the action of the Legislatures of the States of Alabama and Tennessee. Of the facts connected with the case of the Tennessee Legislature I can speak with confidence. It is due to the President to say that he practised no disguise in his interference with the Tennessee Legislature. Letters addressed to several individual members left no doubt of his intention or object. Some of the President's friends in Tennessee supposed that the numerous franks of the President, upon packages containing matter of the most violent and exceptionable kind, were procured by some artful partisan of the Vice President, without the privity of the President to the extent or character of the matter circulated under them; but to dissipate all doubt upon this point, of the three hundred newspapers transmitted to Nashville last fall, addressed to the members of the Legislature, under the President's frank, the entire address or superscription of one hundred was in the well-known handwriting of the President. Those newspapers contained matter having a direct bearing upon each question of importance, expected to come before the Legislature of that State, connected with national politics.

I have thus given a plain statement of facts, which are undeniable. I wish it to be understood that, unless these circumstances, with others of a similar nature, which might be referred to, amount to an interference in elections, I make no such charge against the President. But, sir, if this is not interference, then there can be no such thing as executive interference. But, sir, this is direct interference. It is open, and above disguise; and the question to be hereafter decided is, whether it is allowable and proper. I have met with some respectable persons, (I mean respectable for the honesty of their opinions,) who, without disputing the facts, contend that the President has not done any thing which he might not rightfully and properly do; that he may and ought to interfere in elections, whenever he shall think that the interest of the country will be promoted by his interference. It was from individuals only that the course of the President received any countenance. The mass even of his warmest personal friends at first sought to evade the question--to deny or palliate the facts. But now, whole communities have been brought to acquiesce in, and even to applaud, the course of the Executive in this respect. Such is the power and influence of a popular name! That which a few years ago would have struck the whole community with amazement, and caused the most unscrupulous partisan to falter in his course, is now hailed and defended by thousands. But, what is more to the point, this House, or a large majority of it, has given its sanction to these practices. I feel authorized to say this, from the circumstance that the main facts establishing the direct interference of the President in the election of his successor have been notorious, and have passed uncontradicted in every section of the Union for the last fifteen months; and yet the majority of this House has manifested not a mere acquiescence only, but a decided, thorough, and unequivocal zeal, in sustaining the President in all the results and objects, direct and indirect, immediate and remote, of his interference. Sir, I beg leave to refer to one or two circumstances to show the open, avowed, and notorious character of the President's interference in the election of his successor. It will be remembered that the letter of the President to Parson Gwin, of Nashville, in which he was induced to give the sanction of his great name to the humbug of the Baltimore convention, and to denounce every man who dared to oppose the nomination of that assembly as an enemy of the people, was defended upon the alleged ground that the editor of the Nashville Republican had claimed the President as a friend to the election of Judge White. It is equally well known that this was a mere pretext; and that the editor of that paper had done no such thing. But, if that pretext had really existed, what will be said by those who think that a sufficient reason for the President's avowal of his preference for Mr. Van Buren, to a paragraph which appeared in the New Hampshire Patriot, the standard organ of the democracy of the East, before the Gwin letter had made its appearance in that quarter? In speaking of the prospects of Judge White, the editor of that paper affirmed that "he (Judge White) cannot receive the vote of Tennessee; for even there he must contend, at odds, against the influence of the President, Mr. Grundy, Mr. Polk, and Mr. Johnson, and the genuine democracy of that truly democratic State." Here we find, in one of the leading journals of the party, not only a clear sanction of the practice of interference, but an open avowal of actual interference. But it is preposterous to consume time in attempting to prove an interference, when the President's preference is known to every freeman in the twenty-four States. Was I not right, then, in saying that a majority of this House had sanctioned the practice of executive interference--this new development in the action of this Government? It is true that this sanction has not been given in express terms. It is for that reason that I am the more anxious to press the subject; for, if ever this House, upon a full view of the question, and upon due deliberation, shall give its express sanction to this practice, then all that remains for the friends of the constitution and of the future liberties of the country to do, will be to carry an appeal to the people for their reconsideration and readjudication.

That the President, upon a full consideration, believes that he has a right, and that it is his duty, to interfere, as he has done, I have no doubt. I have as little doubt that he has arrived at this conclusion upon free and full advisement with his leading friends. He has taken his ground too broadly, and too much in the face of day, to doubt his own opinion of his right in this respect. The strongest and most effective argument which I have heard advanced among the people, in favor of the course pursued by the President, is, that it is *he*, the honest and sagacious statesman as well as warrior--it is the general opinion of his patriotic intentions which prevails--that gives all the weight to his preference for the succession, and all the countenance to his direct interference in that question, which either receives with the people. It is the more unfortunate that it is so. It is not the present contest, or the present day only, that is to be affected by this practice; it is future elections, future times, and the future destiny of the country, that we should look to. It is the precedent that is most to be dreaded, and this derives a tenfold force and mischief from the great and lauded name and character of him who makes it. It is the more important that now, in his own times, and in the pride of his influence and power, that those who see, or think they see, the future disasters to the constitution and liberties of the country which this practice will be likely to generate, should protest against, and do all that determined men can do to prevent a general acquiescence under it. I feel myself called upon to bring to bear upon this question the authorities of the greatest weight--the names of the most beloved and most illustrious men connected with the history of the country. But, first of all, I must quote the President's own opinion against himself. That General Jackson was once as zealous and as honest in his opposition to all executive interference with elections as he is now, when in favor of the practice, I have no doubt. Without trespassing upon the time of the committee, by referring to a great deal more, I will content myself upon the present occasion by reading the sentiment delivered by the President upon the subject in his first inaugural address, as evidence of what his opinion then was. This address was supposed, and was doubtless intended, to give some solemn assurance to the country of the fidelity of the new incumbent of the presidential chair to the main principles upon which he was brought into power.

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform, which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Alas, sir, for the dilapidations, not only of matter but of principles, which the lapse of a few years is able to effect! Here, we have avowed the very principles upon which the fate of the late administration turned—reform, and the limitation of executive patronage to prevent undue executive influence upon elections. So intense was the excitement of the public mind upon this subject the last two years of the late administration, that it is my solemn conviction that, for one single act of direct interference in elections on the part of the gentleman who sits before me, [Mr. Adams,] he would have been impeached by this House. Yes, sir, I repeat, that for one act of interference of the nature of those which are now frequent and notorious, that gentleman would have been put upon his trial before the Senate of the United States! In proof of this, we have only to remember with what jealous vigilance every movement of the late Chief Magistrate and of every head of a Department was watched by their opponents. Why, sir, even a visit paid by one of them to his own State was made the subject of public reprobation; and the whole land was filled with the indignant murmurings of the stern and honest yeomanry against every act which had the appearance of executive electioneering. It would be a matter of amusing as well as of instructive history to turn over the pages of the opposition or Jackson journals of that day, and compare the principles then avowed by the Jackson party, by a party seeking power, with the practices of the same party after having been in power a few years. But I digress. To corroborate the first opinion of General Jackson upon the subject of executive interference in the election of a successor, we have the practice of every President of the United States, from Washington down to the present incumbent. We have the express authority of President Jefferson for saying that he felt himself restrained by his official station from intimating any preference between his political friends, even in private and confidental intercourse.

But, sir, the times have greatly changed since General Jackson came into power. The spirit of the age, not content with the wonderful advance in the intermediate period in all the arts, has infused itself into politics. The inventive genius of the times has been busy in this department also. New and improved plans of party organization and discipline have been started, and new conceptions formed of the uses to which the spirit of party may be applied. The idea of the existence of a party in the country of undefined and undefinable danger and designs upon the constitution is made at once the raw head and bloody bones to alarm the credulous and ignorant, and the pretext for a vigilant, rigid, and exclusive party association. This dangerous but invisible party may be, not inaptly, called the Devil of this new political system. As this new party is associated upon the alleged principle of preserving the country and the liberties of the people from that destruction which awaits both, if they should fall into the hands of the arch enemy, it is plausibly and conclusively argued that all the offices, emoluments, jobs, contracts, and agencies—in short, the whole revenue of the Government—should be distributed among its members. This party may change or shift its principles of policy or administration with the changing seasons themselves, but it may still maintain its original ground of being the only defenders of the liberties of the people! It may adopt and practise upon principles of ultra-federal policy to-day; it may practise upon the most latitudinarian doctrines to-morrow; it may follow in the narrow path of the straightest sect of the State rights party; it may re-enact the alien and sedition laws; it may commit every abuse known in the administration of the most corrupt Government; but still it will claim to be the exclusive champion of the constitution and the liberties of the people against the unknown and unknowable designs of a dangerous party; and this is sufficient to rally thousands to its standard. Who does not see that all that could justify party divisions in the country is wholly disregarded; that a new party is forming, composed of members of every political hue and complexion, and which must, from its very nature and composition, end in a mere association for sharing the spoils; and that the profession of any particular set of principles is only a device to delude? Sir, it is not General Jackson, then, that has changed, so much as the guiding spirits of that party which now claims to be his exclusive supporters; it is the influence and power of this new principle of party association, which begin to operate at the close of this administration, and which is expected to introduce and govern the course of the next.

But does there not exist at this time, or is there not undergoing the process of organization, a party, one of the fundamental maxims of which is, that all the offices, honors, and emoluments attached to political power belong of right to, and ought in propriety to be awarded to, the victorious in all party conflicts; a party which does not hesitate to avow this to be one of the principles upon which they associate as a party; a party which not only avows this principle as one of the landmarks of their future action, should they conquer in the present contest for the control of the Federal Government, but which, whenever in any State they have heretofore possessed themselves of the reins of power, has actually practised upon this principle. Is this not true of the party now in power in the State of New York, and is not the party now in power in that State the germe and nucleus around which it is proposed to form a great national party? I affirm that it is. And is there any form of military discipline, Russian, Prussian, or Austrian, more degrading and inexorable, and at the same time better calculated to subject the mass—the rank and file of the people—to the absolute control and guidance of a chief or chiefs, than the code of party tactics and discipline enforced by the dominant party in New York? The spirit of freedom and of free deliberation, among the members of the party, are suppressed, not indeed by the bayonet, but by a system scarcely less effective and terrible. While it holds out the lure of office to the obedient and faithful, it ordains extermination to the actual or alleged and arbitrarily proscribed offender. A man who shall have the independence to set the decrees of the party, however obtained, whether by the fiat of a single head or the resolves of a secret junto, at defiance, or shall refuse to support them in the primary assemblies of the people—assemblies called not to be primary in deliberation, but notoriously, as I understand it, called last to council in order to ratify what has been already decided; a man, I say, who dares to oppose the action of this system, no matter to what unjust or mischievous extremes it may lead, is not only stripped of all his privileges, and of whatever portion of the spoils which may have fallen to his lot in former triumphs, but he is to be taboed—to have a black line drawn around him—in fine, to be shot as a deserter! I know of no parallel or any analogous practice in the history of the country, but what is recorded of the policy of the Five Nations of Indians, who once, from their castles and fastnesses in the country which now forms the State of New York, dictated the conduct of the subject tribes around them, extending at one time nearly a thousand miles to the south and to the west. These conquerors of the forest ordained what they called the law of the hunt, and wo and extermination were the lot of the unhappy tribe that unwittingly or otherwise happened or dared to violate it. The successors of these savages have, it seems, in a spirit of equal address and comprehension of design, established their law of the hunt, but not the hunt of the buffalo, of the bear, and of the beaver, but of the spoils! Those who have driven these savage visiters from their haunts have profited by their policy, and the subtlety and enterprise of the Mohawk are imitated and surpassed by their white invaders. But let them beware, and let those who regard the success of this system of party discipline with the same apprehension that I do, take courage from the historical fact that the Five Nations, terrible and powerful as they were, had bounds set to their ambition and their dominion. The Catawbas of South Carolina staid the torrent of desolation in its progress along the Atlantic border, though they were well nigh exterminated in the conflict; but when they were reduced to a very small number, they still resisted, made rich reprisals of blood upon their numerous and haughty foes, and still triumphantly held their country! But these conquerors of the North were successfully met, beaten, and driven back with slaughter, in frequent rencounters in another quarter. Along that whole line of country running east and west, and constituting what is now the State of Tennessee, the Indian proprietors maintained their ground in a contest of half a century, and still bid defiance to the hunters of all the country to the north and the northwest—ay, sir, and they were ready to submit to extermination rather than political slavery. The analogy might be traced further. In this war for national independence, waged by the natives of this noble tract of country, they had to encounter, not the Five Nations and their allies of the North and West only, but often a combination of some of the tribes of the South—their own natural allies; but still they stood and fought undismayed, and were finally victorious!

Sir, I believe I have not misrepresented the policy and discipline of the party now in power in the State of New York; I mean, in affirming that all the offices of the State are regarded as the property, as of course, of the victorious in a party contest. If I am not mistaken, it is no secret that such is the established policy; nay, that scarcely any man of any party (so well and permanently is this system ingrafted upon the people of that State) ever thinks of questioning or opposing it. It is regarded as a thing not only settled, but admissible and justifiable, by the politicians on both sides. But it is not in the State of New York alone that this system of party tactics has found favor. It prevails, to a considerable extent, in Pennsylvania, in New Jersey, in Maine, and it has absolute control in New Hampshire. In how many other States it has made a successful lodgment, I know not. I am aware that it may be asked, what danger there is in all this, either to the prosperity or the liberties of the country? This is precisely the point to which I invoke the serious attention of those who hear me. I wish I could extend my voice to the utmost bounds of the country in the discussion of this point.

Without intending to impute mercenary motives to all its members, I maintain that such a party must necessarily and inevitably become mercenary, and utterly regardless of all consistency and sound principle. In whatever State this has become the established practice of the dominant or of antagonist parties, there you will find the most flagrant instances of sudden changes, not only in the course of individuals, but of entire parties, whenever party interests are concerned—the most corrupt practices in the public administration, the greatest excesses and abuses in elections, and the most degraded state of public morals. These attributes of a corrupt and vicious party association are more visible and striking in every State where it exists, in proportion to the amount of executive patronage. In some States, in which the judges are appointed for short terms, they are compelled to share the fate of every other official incumbent. But how can any other motive or interest than the success of the party become the leading and governing one, when every officer of the State and of the United States, from the highest to the lowest; in the United States, from the head of a Department down to a petty postmaster, or a gauger in the customs; and in the States, from the judge of a court down to the clerk of an inferior court, or a lock-keeper upon a canal, must be removed to give place to the hungry partisans of a new and triumphant party? No length of service, no degree of fidelity in the discharge of official duties, no state of dependence upon the receipts of an office, however small, can save the wretched incumbent from the general law of the hunt, the fate of the conquered. Besides the general servility and hypocrisy which such a practice cannot fail to introduce, a long train of evils besides is obliged to follow from the success of a political combination of this nature. Incompetent and unfaithful officers and agents are thrust into the most important public stations; the public service and interest suffer accordingly. Subordinate officers, instead of relying upon their diligence, skill, and fidelity in the discharge of their official duties, for their continuance in office, compromise with their consciences for a neglect of duty by contributing largely to the success of the party in the management of caucuses, public meetings, and elections; they look to the chiefs of the party to connive at their delinquencies, and to sustain them in office in consideration of their zeal and activity in the general cause. It follows, for the same reasons, that the first offices in the State and General Governments are liable to be filled by men equally incompetent and unfaithful. It matters not who is Governor of a State or President of the United States, what may be his principles, his personal or political character, provided he possesses what is called party fidelity, and has tact enough to wield the patronage and influence of his office according to party law and usage, and so as to advance, not the cause of the country, but of the party!

If it be true that any party avows the doctrine that to the victors belong the spoils of office; if it be true that it is the practice of that party to put none into office but those of their own party, and suffer none to remain in office but such as are already, or may be willing to become, partisans of those in power, can a President elected by such a party choose to do otherwise than to use the patronage of the Government, intrusted to him by the laws and constitution, according to the same rule? Must he not, in the first place, so distribute it as to secure his own election for a second term; and afterwards, is he not bound by the laws and usages of the party of which he is the official head, to use his whole influence, and the entire means in his hands, to secure the election of that man for his successor who shall be chosen according to the same party usage, to wit, a national caucus, which brought him into power? I repeat the question, can he do otherwise than interfere in elections, and employ the whole patronage of the Government in controlling them? If I am not mistaken in this, a President elected by means of this system is, by the act of his induction into power, by the very terms of his engagement with his political associates, bound to prostitute those great powers and that immense patronage intrusted to him by the constitution, to be administered exclusively for the good of the whole country, to objects of individual aggrandizement and ambition. The seeds, then, of this mischief of executive interference are sown much deeper than one would suppose, upon a superficial view of the subject. They lie deeply imbedded in this new system of party tactics and discipline which threatens to fasten its deadly and corrupting fangs upon every State of this Union. Whatever blame, therefore, may attach, in the mind of any, to the course of the President upon this subject, let the responsibility be attached to the sources of the evil—let it be traced to its proper head. Having shown that this practice of executive interference is a necessary result of a principle of party association, let any one attempt to strain his fancy to conceive all the consequences of the success of this system—the degradation of the national character, the mean grade of ambition which must distinguish the leading men of the country—the general corruption.

Will any man hereafter affirm that the one hundred thousand office-holders, agents, contractors, and dependents upon the Government in some form or other, are any longer to be safely trusted with the right of suffrage in the elections of a free people? Sir, the friends of the purity and freedom of the elective franchise in this country should take a lesson upon this subject from the practice of a Government in form less free than our own—I mean Great Britian; and I beg leave to refer to her statutes, not only for depriving the official dependants upon the Government from voting, but prohibiting, under severe penalties, the slightest interference of public officers in elections. The statutes refered to are the following:

"*And be it further enacted by the authority aforesaid,* That from and after the nine-and-twentieth day of September, one thousand seven hundred and one, no commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a knight of the shire, citizen, burgess, or baron, of any county, city, borough, or cinque port, to serve in Parliament; and every officer or other person offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed; to be recovered by any person that shall sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no ession, protection, or wager of law, of more than one impartance, shall be allowed; and every person convicted on any such suit of the said offence, shall thereby become disabled and incapable of ever bearing or executing any office or place concerning or relating to the customs, or any other office or place of trust whatsoever, under his Majesty, his heirs or successors."—12 and 13 William III, C. 10.

"*And be it further enacted by the authority aforesaid,* That no commissioner, officer, or other person, concerned or employed in the charging, collecting, receiving, or managing, any of the duties granted by this act, shall, by word, message, or writing, or in any other manner, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for his choice of any person to be knight of the shire, commissioner, citizen, burgess, or baron, for any county, city, borough, or cinque port; and every officer or other person offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at Westminster, or in the court of exchequer in that part of Great Britain called Scotland, in which no ession, protection, privilege, or wager of law, of more than one impartance, shall be allowed; and every person convicted on any such suit shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under her Majesty, her heirs, and successors."—10 Anne, C. 19.

"For the better securing the freedom of elections of members to serve in Parliament, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the first day of August, one thousand seven hundred and eighty-two, no commissioner, collector, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part thereof; nor any commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof; nor any commissioner, officer, or other person concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper; nor any person appointed by the commissioners for distributing of stamps; nor any commissioner, officer, or other person employed in collecting, levying, or managing any of the duties on salt; nor any surveyor, collector, comptroller, inspector, officer, or other person employed in collecting, managing, or receiving the duties on windows or houses; nor any postmaster, postmaster general, or his or their deputy or deputies, or any person employed by or under him or them in receiving; nor any captain, master, or mate, of any ship, packet, or other vessel employed by or under the postmaster or postmasters general, in conveying the mail to and from foreign ports, shall be capable of giving his vote for the election of any knight of the shire, commissioner, citizen, burgess, or baron, to serve in Parliament, for any county, stewartry, city, borough, or cinque port; or for choosing any delegate in whom the right of electing members to serve in Parliament, for that part of Great Britain called Scotland, is vested. And if any person hereby made incapable of voting as aforesaid shall nevertheless presume to give his vote, during the time he shall hold, or within twelve calendar months after he shall cease to hold or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds."—22 George III, C. 41.

But the obligation of party service which attaches to all office-holders under this new system extends far beyond a mere espousal of the interests of the party in power. Each one is bound to show himself worthy of his station, and to render a full equivalent for his office, by his zeal and success in controlling the sentiments and politics of his particular district or community. But this is not the full extent of the danger which threatens, from this source, the freedom of elections. Besides the corps of actual incumbents and dependants of all sorts upon the Government, there are in the United States, probably, one hundred thousand men who are either actual office-seekers, or who may be induced to give their influence and their votes in favor of the dominant party, by the promise of office, however deceitful that may be, in thousands of instances.

Let any one attempt to calculate the force and influence of a band of two hundred thousand partisans of any man or any party in power in this country, united and goaded on by the hope of reward, or a feeling of dependence for their places, and, in many instances, for the very subsistence of their families, upon the success of their efforts in a common cause. Who will undertake to estimate the effects to be produced, not only upon the spirit, but the very forms of this Government, by the introduction into the service of a successful party, and for its protection and support, of a guard of one hundred thousand men, who hold their employment by the tenure of party service, and these distributed over the whole Union—diffused among the whole people—all acting by one impulse, and with a view to a common end! Sir, these are, hereafter, to constitute the prætorian guards of America, to ratify the appointment of a successor by the Executive. I have read that there was a time, since the Revolution, when there was danger of the ascendency of monarchical principles; but, sir, never has any thing tended so directly to such a result, and that at no very distant period, as the countenance which is now given by a large proportion of the people to the doctrines and practices of this new party. In one view of the subject, it would be just to denounce every supporter of this new system of party tactics a monarchist, for it is not the intention, but the tendency, the result of measures and practices, which constitute their supporters monarchists, or otherwise. That each successive President will appoint his successor, if this system shall once be firmly established in practice, and fairly ingrafted upon all the States, is as certain as that the sun shines this day in the heavens; and this will continue, until by some terrible shock, by some outrage, most commonly the result of the long continuance of power in the same hands, the people shall be roused to resistance. Even now, sir—even now, when this hydra has shot forth less than half its monstrous progeny, does not every member of this House know and feel, does not every sharp-sighted office-holder and office-seeker throughout the Union know and feel, that the only road to executive patronage and favor lies in an actual or well-affected devotion to the interests of a particular candidate for the presidency? And this has been the state of things for more than a year; and yet there has been no effectual rising of the people! But eight years ago, if such a state of things had been understood to exist, such a burning heat would have been suddenly kindled in this land, such a consuming fire would have raged in this hall, as to have left no vestige of a party which would then have dared to practice upon such a principle. I entreat the House, I conjure the country, to look to the future results of this state of things. Nay, sir, I conjure them to look to present results. Have not the power and influence of the Executive been felt in the elections of members of this House? Has not the power of the Executive been felt in the deliberations and action of this House? How long will it be before the practice of appointing the presiding officer of this House by the President shall be ripened into usage? How long before the Speakership shall be but an appendage of executive patronage, to be disposed of like every other office or station, for the benefit of the party? When these things shall come to pass, where then will be those divisions of the powers of sovereignty into separate departments, which have ever been regarded as the greatest safeguards of our liberties? Where will be your separate and independent legislative department—where your judiciary, for that too must soon yield under the present pressure? Sir, with the powers and influence of the Executive, as at present exercised, this Government is an elective monarchy. It is well that we no longer deceive ourselves with names. It is this day an elective monarchy. The sum of executive power and patronage justifies this appellation. The consideration and circumstance of state conceded to the President justify this new cognomen. I beg leave to refer to several passages of the report made by a leading member of the party in 1826, [Mr. Benton,] in the Senate of the United States, upon the subject of executive power and patronage, as strongly corroborative of these views:

"Although the impression was nearly universal, that a Government of more energetic character had become indispensably necessary, yet even under the influence of this conviction--such was the dread of power and patronage--that the States with extreme reluctance yielded their assent to the establishment of the Federal Government. Nor was this the effect of idle and visionary fears on the part of an ignorant multitude, without knowledge of the nature and tendency of power. On the contrary, it resulted from the most extensive and profound political knowledge--from the heads of statesmen unsurpassed, in any age, in sagacity and patriotism. Nothing could reconcile the great men of that day to a constitution of so much power, but the guards which were put upon it against the abuse of power. Dread and jealousy of this abuse displayed itself throughout the instrument. To this spirit we are indebted for the freedom of the press, trial by jury, liberty of conscience, freedom of debate, responsibility to constituents, power of impeachment, the control of the Senate in appointments to office."

"The action of such a body of men, supposing them to be animated by one spirit, must be tremendous in an election; and that they will be so animated, is a proposition too plain to need demonstration. Power over a man's support has always been held and admitted to be power over his will. The President has 'power' over the 'support' of all these officers; and they again have 'power' over the 'support' of debtor merchants to the amount of ten millions of dollars per annum, and over the daily support of an immense number of individuals, professional, mechanical, and day-laboring, to whom they can and will extend or deny a valuable private as well as public patronage, according to the part which they shall act in State as well as in Federal elections. Still this is only a branch, a mere prong, of federal patronage in the city of New York."

"Every where, to the extreme frontier of the remotest State or Territory, federal patronage will be found, in degree and force, proportionate to the population of the place, and forever augmented with the increasing power of the Government. Diminution of patronage is not thought of; the state of the custom-house in Norfolk is already pregnant proof of this. This power of patronage, unless checked by the vigorous interposition of Congress, must go on increasing until federal influence, in many parts of this confederation, will predominate in elections as completely as British influence predominates in the elections of Scotland and Ireland, in rotten borough towns, and in the great naval stations of Portsmouth and Plymouth. In no part of the practical operation of the Federal Government have the predictions of its ablest advocates been more completely falsified than on this subject of patronage."

"The whole of this great power will centre in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of federal appointments, jobs, and contracts. He has 'power' over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and, upon all the principles of human action, will dismiss them as often as they disappoint his expectations. His spirit animates their actions in all the elections to State and Federal offices. There may be exceptions, but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely with than without the nominal check of the Senate."

"We must then look forward to the time when the public revenue will be doubled; when the civil and military officers of the Federal Govervment will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination by the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was styled Emperor of the Republic, and the last French Emperor took the same title; and their respective countries were just as essentially monarchical before as after the assumption of these titles. It cannot be denied or dissembled but that this Federal Government gravitates to the same point, and that the election of the Executive by the Legislature quickens the impulsion."

When, by the use of the enormous amount of patronage vested in the President, he shall be able to control the elections of a majority of the members of both Houses of Congress, the Government of the United States will not only be an elective monarchy, but the monarch so elected will be absolute; and when a President shall establish the practice of appointing his successor, either directly or indirectly, it will be, in substance, an hereditary monarchy. Why, sir, the evil of consolidation, the stumbling-block of the old Virginia school of politicians--that consolidation the fear of which operated so powerfully at one time in that ancient Commonwealth as to endanger the adoption of the constitution, and often afterwards threatened to paralyze the action of the Government—is upon the eve of being realized! But where now are the spirit and eloquence of her Henrys--where sleep her Pendletons, her Nicholases, her Masons, her Roanes, and her Jeffersons, in this day, when the crisis has actually come? Where are the successors and descendants of those illustrious champions of free government that the country might expect to see leading the van—standing, like their sires of old, in the front of the battle, and urging on their countrymen to the charge, against every advance of the Executive to increased or absolute power? Sir, when the President openly throws the whole weight of his authority and influence into the scale of a particular candidate for the succession--when the patronage connected with all the public establishments, when the millions of money annually at the disposal of the Executive, are to be administered and distributed for the purpose of controlling the legislative department of the Government, and of securing the presidency to a succession of designated political adventurers, and of consolidating all power in the hands of a chief of a party, with one or two distinguished exceptions, we find the lineal party descendants in this House of the most illustrious band of patriots and statesmen that ever, at any one time, adorned a single Commonwealth, lending the honors of their ancestry, the fame of their patriot sires, the glorious recollections of their stern republican principles and virtues, to gild over the deformities and to promote the success of a party which, from its very nature and fundamental doctrines, leads inevitably to the catastrophe which was ever the source of the greatest dread and consternation to their fathers!

The accelerated and downward course of sound maxims and principles in a free Government, when once the impulse is given in that direction, was never more strongly illustrated than in the change which has taken place in the principles and practices of the original Jackson party, and the party now in power, and which claims to be identical with it. It is but a few brief years since, that an infant effort of that party which afterwards with a giant's strength overthrew every thing that opposed it, did as much to accomplish the final undoing of the late administration as any other movement of the most vigilant and energetic combinations ever formed in this country: and pray, sir, what do you suppose that infant effort was? Simply a resolution offered to this House by a gentleman from North Carolina, [Mr. Saunders,] calling upon the Secretary of State to inform the House of the reasons which had impelled him to take the printing of the laws from certain publishers of newspapers who had long performed that service for the Government, and to give it to his own political friends. This proceeding was contemporaneous with the report of a distinguished Senator from Missouri [Mr. Benton] upon the subject of executive patronage, to which I have already referred. The report deprecated the further increase of the patronage of the Government, and was accompanied by six bills to limit and prevent the abuse of it. This movement was followed up at the succeeding Congress by the celebrated debate and report, founded upon the retrenchment resolutions introduced into this House by a member from Kentucky. These, sir, were the sources from which the Jackson party at that day drew its principal nutriment. This was the milk upon which the young Hercules was fed, who sat out with the professed determination of clearing the land of all political robbers and impostors, but who, now that he is full grown, and without a rival, threatens to become himself the greatest impostor and robber of the age. I speak of the party, not of its head. Suppose, sir, that any member of the House should, at this day, bring forward a resolution calling upon the President or any of the heads of Departments for his reasons for witholding the patronage within his control from an opponent who had long enjoyed it, and bestowing it upon a political favorite, would he not be considered a man demented by every member of the party which now assumes the name, and professes to act upon the principles, of the true Jackson party? The mover of such a resolution would be regarded as a second Rip Van Wynkle—one who had just awaked after a sleep of years, and found himself far in the rear of the improvement of the age. But, sir, who could have supposed that so great a change in public sentiment could have taken place in the space of six or seven years? Who could have supposed that this change could have been produced in the same nominal party? A party, too, which, in the face of the whole people of the United States, claims to be identical with the party which differed so widely from them a few years ago! This question of patronage was not then a subordinate one; it was first and chief; it was regarded as vital.

But these proceedings do not afford the most striking evidence which exists of the singularly opposite sentiment which prevailed at that day, from those which are avowed and practised upon by the same nominal party at this day. The member from North Carolina, [Mr. Saunders,] who brought forward the resolution of inquiry to which I have adverted, complained that the Secretary of State had violated a sound principle in taking from an individual, not an office, but a job, the publishing of the laws, who had before that time performed that duty faithfully, to confer it upon a political partisan; but the idea that the Executive would ever dare to vacate an office, or remove an officer, for opinion's sake, never entered the imagination of that gentleman, as may be fairly inferred from his argument. That gentleman was then so great a puritan upon that subject, that he shrunk with horror from the idea that any President would ever dare to remove a faithful public officer; yet we find that identical person, while enjoying a salary of three thousand a year as an officer of the Government, lately attending a political meeting at Baltimore, and becoming the second person at that meeting in activity and zeal, in order to promote the success of a party which openly avows the justice and propriety of the practice of making all offices in the control of the Executive the prizes and rewards of party service and party triumphs! That gentleman does not appear to me to have improved his political principles as he has grown older. His early principles were the best; and so well am I convinced that the day that the new doctrines espoused by him shall be established and acquiesced in by the people will be near the last days of the republic, that, for the first instance which shall occur of the removal of a faithful public officer by a President of the United States, to make a place for a political partisan, while I have the honor of a seat upon this floor, I will vote his impeachment by this House, as for an abuse of power, a misdemeanor the most dangerous which can exist under the Government. Mr. Jefferson, sir, had as good a will to do an act of this kind as any man who was ever President; but his patriotism, his principles, and his sense of duty, restrained him. He saw and he shrunk from the consequences of such a practice. Mr. Jefferson made the proper distinction, and took the true ground, when he declared that any interference of a public officer in the elections would be good cause for removal.

Sir, I put the question, what difference can there be between the appointment of a successor, by the use of executive patronage and influence, in the name of a party, and as the head of a party, and the appointment of the President, as, and in the name of, the President, in virtue of his office? No practical statesman will say there is any difference in substance and effect.

But it is said—I have heard it repeatedly said, and it is the drift of one half the canting matter which fills the columns of the party press—that the principles which are at stake in the present contest for political power in the United States are of such vital importance to the rights and liberties of the people, and to the preservation of our free institutions, that every influence, whether strictly regular or not, ought to be brought to bear, in order to insure the success of the republican party; and it is clamorously urged, that certain usages of the party are important to be preserved, in order to keep the party together. What all those usages are I do not certainly know. Some of them are avowed. The first and most important appears to be the practice of caucus nominations. Another one is, that all offices are of right the property of and ought to be given to the professing members of that party. It follows, that removals from office for opinion sake are justifiable and proper, in order to conform to this usage. Upon the same principle, and for the same reason, the patronage and influence of the President, he being the official head of the party, ought to be thrown into the scale of the candidate for the succession selected according to the party usage of caucus nomination. The sum of the argument is, that the present political condition of the country is like the case of an invasion by a public enemy—that the crisis is extraordinary, and demands extraordinary remedies, and that a regard for safe precedents or constitutional restraints ought not to stand in the way of the salvation of the country; in other words, that we have arrived at such a crisis in our civil affairs, that, if a similar state of things were to occur in time of war, martial law ought to be declared. Whether the condition of the country—whether the principles and designs of any party in this country, are of a nature so wicked and mischievous as to justify such a remedy or not, the fact is, that a sort of law martial has been proclaimed, and the proper officers and authorities are actively engaged in carrying it into execution in every part of the Union. Without pausing to inquire to what catastrophe the success of any of the obnoxious and so much dreaded parties in this country could lead, more disastrous, more directly subversive of the very foundation-stones of our glorious political edifice, than the establishment of these new and unwarrantable doctrines and practices, I propose to inquire, for a moment, what the principles of this party are, which thus generously steps forward and proceeds to officiate as the only safe guardian of our dearest rights. I mean to inquire what the principles of this party are, not what the members of it profess. I wish also to inquire what assurances, what guarantees, it can give, from the past conduct and principles of its leaders, that it is fit to be trusted with the entire political power of the country. As this party claims to be the Jackson party, I propose to apply the proper tests upon this point also.

The first and most decisive ground assumed by the original Jackson party was against caucus nominations. The most fatal blow aimed at Mr. Crawford was this denunciation of the alleged usage of the old republican party. Mr. Crawford fell under it; but I do not intend to dwell further upon this point now.

Next to the attack made upon the caucus system, the original Jackson party profited most by the principles it professed upon the subject of Government patronage. The original Jackson party held that the patronage of the Government was a trust for the public good and service, and that an administration which should deliberately seek to punish its opponents by removing them from office, and to reward its partisans by bestowing the vacant employments upon them, deserved to be degraded and expelled from their station, and to receive the execrations of an indignant people. These, sir, were the doctrines and sentiments of the true and genuine Jackson party, and they were held to be vital in the creed of that party. What are the doctrines and practices now of the party which claims to be the same? Why, sir, that the spoils of office are the rightful property of the victors—that the patronage is what they have a title to—that this is one of the usages which it is essential to the preservation of the party to observe. As a natural and inevitable result of this usage, it is the duty of the President to administer the patronage of the Government so as to advance the interests of the party. So much for executive patronage, and the doctrines of this new republican party in respect to the manner in which it shall be distributed. It seems that all the old notions of the republican party, in relation to the proper end and use of patronage, are now regarded as old fashioned, exploded, and, in fact, anti-republican!

I now proceed to notice some of the more important questions, which may be regarded as testing the principles of the party, in the order in which they have arisen for the decision of Congress. The first which presented itself was the subject of internal improvement by the General Government, involving both the expediency of the system proposed and the constitutional power of Congress over the subject. In the South and Southwest, with few exceptions, the members of the Jackson party were strenuously opposed to the whole scheme; in Virginia, South Carolina, and Georgia, upon constitutional grounds. This was supposed to be a fair test question between the republican and federal parties; the great line of principle which separated them being the proper rule of interpreting the constitution--whether strictly, and with a view to limit the power and patronage of the Government; or liberally, with a view to enlarge its powers and give greater strength to its action. In the North and West, however, the members of the Jackson party differed from their political allies of the other sections, and strenuously maintained both the expediency of a system of internal improvement, and the power of the Government to carry it into effect. The Jackson party in Kentucky, Ohio, Indiana, Illinois, and Pennsylvania, were the leading patrons and advocates of the system. Even after the veto of the Maysville road bill, the party in the States north of the Ohio continued to support the administration, upon the ground of the exception made in the veto message in favor of the Cumberland road; and the States of Ohio, Indiana, and Illinois, have continued their allegiance upon the condition that large annual appropriations should be made to complete that great highway. So far, then, as regards those States and that great and splendid work, the projected system of internal improvement has been sanctioned by the General Government. It is pretended that this exception is justified by the compact between the Federal Government and the States north of the Ohio, which stipulated that a certain proportion of the proceeds of the public lands in those States should be applied to the construction of a road from the Atlantic to those States. Is it not so? When the stipulated proportion of the proceeds of the public lands was applied from time to time, the terms of the compact were fulfilled, and the power of the Federal Government ceased. A question might be made, whether the Federal Government had any authority under the constitution to enter into such a compact; but, admitting that it had, still the truth is, that a system of internal improvement has been sustained by the present administration, however partial the execution of it may have been. There has not been a single appropriation to that road made since General Jackson came into power, which could be justified by the compact. The practical and effective compact under which these appropriations have been made, is the tacit one, that the moment appropriations for this road cease, the States concerned will no longer give their support to the administration. Such, sir, from the first, have been the loose principles of the party upon this question--a question which, I think, Virginia and Georgia will admit to be a test question. All, or nearly all, the gentlemen of the Northwest who belong to the dominant party in this House are to this day the advocates of a system of internal improvement. So are those from Pennsylvania; and so from Kentucky: all good internal improvement men. Let us test the pretensions of that party which unites with such hearty good will upon all questions of a party nature in this House, to be regarded as the exclusive depositaries of republican principles, by circumstances a little more specific and particular. I may be too particular to be altogether agreeable to individuals, but this is a question of high principle, and it is necessary to be explicit.

I suppose no one will question but that the principles of the two distinguished gentlemen selected by the dominant party to fill the two highest offices in the Government may be truly and fairly held to be the principles of the party, as such, which supports them. Well, sir, the gentleman from Kentucky, who has been selected to bet he candidate of the party for the vice presidency, leaves us nothing to doubt as to his opinions upon the subject of internal improvement. He avows his views upon this subject candidly, and as becomes a man, in his letter accepting the nomination of the Baltimore convention. That distinguished gentleman thinks that all works of internal improvement should, for various sound reasons, which he enumerates, be carried on by the States, except such as are universally admitted to be of a national character. This is going quite as far as any advocate of internal improvement has ever gone in this House. No man, nor any party, has, in my knowledge, ever contended that the Federal Government ought to construct any works except such as are of a national character. It is true that Virginia appears to reluctate a little at the idea of giving its support to this nomination, but my friend from Kentucky need not be uneasy at this; the party in that State are only preparing to take him with a better grace, or to connive at his election. That State has given her sanction to principles and practices far more odious and monstrous to the sense of the real republicans of the country, than any principle of his to which they have taken exception. But a more important inquiry is, what are the principles of the nominee of the Baltimore convention for the presidency, (Mr. Van Buren,) and what is to be his course upon the subject of internal improvement? If any man knows what his principles are, or what his course is likely to be upon this subject, from any thing he has explicitly stated or avowed, he is more fortunate than myself. If there is any friend of his in this House who is better informed than myself, I hope he will do that gentleman the justice to let us know what his principles really are in relation to this subject. But, sir, I do know what the principles of that gentleman are understood to be, and what his course is expected to be in the States north of the Ohio There, sir, he is represented by his friends, and is believed by the people, to be in favor of a system of internal improvement by the General Government. This is the general belief in those States. Some of his more judicious friends, I understand, represent that he is an advocate for internal improvement so far as relates to the interests and wants of those States; and this satisfies the people. Now, sir, I call upon the members of this House who represent any of those States, and are friendly to the election of that gentleman, to correct me, if I have misstated or misconceived the belief which prevails in that section of the Union in relation to the principles and probable course of Mr. Van Buren upon the subject of internal improvement. It is due alike to him and to themselves that they should state whether these things be true or not. It is needless to say that in the South that gentleman is understood to entertain principles directly the opposite of those ascribed to him north of the Ohio. Sir, it is a singular fact that, in the exposition of the relative prospects of Mr. Van Buren and Judge White for the presidency, contained in an early and ably written article of the Nashville Union, a newspaper got up for the express purpose of advancing the interests of the Vice President in Tennessee, the ground was openly assumed, and, considering where it was done, and under whose auspices, it was most audaciously assumed, that Judge White could not get the votes of the States north of the Ohio, by reason of his rigid course and opinions upon the subject of internal improvement, but Mr. Van Buren, it was left to be inferred, might. And why, sir, could this representative head, that is to be, of the exclusive republican party in this country, get the votes of those States? Let the Southern gentlemen who support him answer this question. It is worthy of notice, because very small circumstances sometimes indicate the most important results, that this article of the Nashville Union was republished in the Richmond Enquirer, and, as I remember, without comment upon this point. I have said enough upon this subject to show that a system of internal improvement by the Federal Government will find no impediment in the principles of the two gentlemen who are supported for the two highest offices of the Government.

The next question which was presented under the present administration, and which was regarded as in any degree a test of parties, was the high tariff policy—a policy thought to be so intimately connected with a system of internal improvement as to constitute one great and united system of national policy, called the American system: a system which was the perfect abomination of the South, and to no party apparently more so than to that party in Virginia which now claims to number in its ranks the only genuine republicans of that far-famed Commonwealth. Well, sir, both the candidates of that party to which Virginia adheres for the two highest offices known to the constitution voted for the tariff of 1828—the most odious, and, upon every principle, the most indefensible act of legislation which grew out of the combined and mutual interests of the so-called American system. It may be, and it has a thousand times been said, that those gentlemen voted as they did upon that question to sustain their party. That may be true; but that is precisely the objection I have to them, or, rather, to the party of which they are the leaders. These gentlemen will do the same thing again, or any thing else equally or more obnoxious, to sustain their party. This is the true objection to the party which is now forming in the United States, and to any party whose only bond of union is the expectation of sharing the patronage of the Government. Interests, purely of a party nature, are obliged to subvert all regard for sound principles, and to become paramount to them. When such a party shall obtain power, even the obligations of law and duty become subordinate considerations. A general relaxation of morals, and of all the ties which give security to society, ensues.

I shall notice the question of nullification but briefly. The country found itself, in relation to that subject, in a new and extreme emergency: and extreme remedies were the natural consequence. In the decision to which Congress came upon that lamented contest between the authorities of the Federal Government and the State of South Carolina, those who now call themselves the exclusive republican party were found acting in concert and harmony with ultra federalists. So far, therefore, as regards the subject of nullification, the present exclusive and proscriptive party in power can claim to have won no new laurels for the brow of democracy. The gentleman from Georgia [Mr. Towns] has thought proper to taunt me upon the subject of my vote upon this subject. Sir, I do not regret, nor would I recall, my vote upon that subject, however much I regretted the occasion of it. I lamented the errors of South Carolina as much as I disapproved the policy which provoked her to extremes.

I have omitted to notice, in its proper order, the question of the relative jurisdiction and sovereignty of the States and Federal Government over the Indian tribes and territories within the limits of the States. I intend, however, to pass it over with a remark or two only. This, it is well known, was one of the most delicate and difficult questions which has arisen under this Government. The Jackson party was divided upon the policy of removal—an expedient adopted by the administration in order to avoid greater embarrassments, which were likely to arise in our Indian relations. With a few exceptions, the entire Pennsylvania delegation were opposed to the administration upon this subject, yet Georgia and Pennsylvania are equally united and zealous in proscribing and exterminating, according to party law and usage, the very man [Judge White] who contributed more than any other single member of Congress to carry that question in favor of Georgia! Can this be a party founded upon principle?

I come now to the last great test question, the Bank of the United States, and propose to inquire briefly into the consistency and principles of the party in relation to that subject. A full and candid history of this question would be a most interesting and instructive acquisition to the country. I do not mean to become the advocate or apologist of the bank. I notice the subject merely as a means of illustrating the true character of the party which now assumes exclusive pretentions to orthodox and consistent principles. In the first place, it is proper to be remarked that the gentleman who has been designated to head this self-styled republican party, or *exquisites*, as they really hold themselves, for the next eight years, (Mr. Van Buren,) in his celebrated speech upon the rules of the Senate, which he intended to be a full exposition of his political opinions, kept himself so neatly and exactly balanced upon the question of the bank, as to be able to fall with grace and safety either way, according to the exigency of his affairs. That I may not appear to do him injustice upon this point, I will read from his speech what he says upon this point.

After referring to the former opinions of Mr. Madison upon the question of constitutional power, and stating that he had yielded a reluctant assent to the late charter, Mr. Van Buren, in the speech alluded to, proceeds thus:

"His assent was now placed on the express ground that the recognition of the authority of the Government, in relation to the old bank, by the State Governments and the courts, as well as the people, had precluded the question of constitutionality. Thus, the power in question must stand as a successful interpolation of the constitution." * * * * "For his departure in that particular, (if departure it was,) his reasons have been seen." * * * * "It is not, at this time, my official duty to pass upon their sufficiency; and I am wholly unwilling to volunteer a denunciation of any opinion, deliberately formed, by one of the most, if not *the* most, accomplished statesman that our country has produced."

It is manifest from these passages that the Vice President has laid aside all constitutional scruples upon the constitutional question. He regards the power to establish a bank as a successful interpolation upon the constitution. It is in relation to the sufficiency of the reasons upon which Mr. Madison acted, in thus interpolating a new power, which he (Mr. Van Buren) will not volunteer an opinion; his opinion was volunteered, and expressed plainly enough, as to the effect of Mr. Madison's course in giving his sanction to the bill chartering the late United States Bank. In his opinion, the power can no longer be questioned. But the President himself, (General Jackson,) although he was known by his particular friends to entertain opinions unfavorable to the bank, and these were communicated to Congress in his first message, yet this communication, and all succeeding ones, were so cautiously and oracularly worded, that his best friends could not, with certainty, infer what his course would be upon the question of recharter, until 1832, when the passage of the bill for that purpose compelled him to act unequivocally. From various facts and circumstances, I feel authorized to say that, notwithstanding the President's early prejudices against the bank, he had made up his mind either to recharter the late one, with some modifications, or, at all events, to charter a new one as a substitute for it. I had various reasons for this opinion, and besides the evidence I had of the fact, a circumstance entitled to no little weight was, that certain gentlemen, who have always been distinguished for a sort of intuitive tact in never forming any opinion in advance of those in power, even upon the most important and vital questions, and certain others who, I knew, could never differ with General Jackson upon any subject, were at fault upon this question. You may remember, sir, that in all the discussions which grew out of the resolutions of a gentleman from Georgia, [Mr. Clayton,] proposing an examination into the affairs of the bank; ay, sir, even in the very elaborate report of the minority of the Committee of Ways and Means, in 1832, upon this subject, not a single remark could be detected which indicated how either of these classes of gentlemen, to whom I have alluded, would vote upon the question of recharter. On the contrary, it was evident that those wary gentlemen studiously kept the door wide open, and reserved to themselves the utmost freedom of action, so far as regarded any committal in this House. But the messages of the President are decisive on this point, and leave no doubt that the President had determined, if all circumstances had been favorable, to recharter the late bank.

The language of the first message, in 1829, was, that "both the constitutionality and expediency of the law creating the present bank had been well questioned by a large portion of our fellow-citizens." In the same message he suggested the establishment of a national bank, "founded upon the credit of the Government and its revenues." In his annual message, in 1830, he stated "that nothing had occurred to lessen the dangers to be apprehended from the bank, as at present organized;" and he again suggested the inquiry, "whether it was not possible to secure all the advantages of the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate all constitutional and other objections." In 1831 he referred to the opinions before expressed in relation to "the Bank of the United States, as at present organized." This was the last message which preceded the passage of the bill to recharter the bank. But this is not the last proof which the President gave that he had made up his mind to recharter the late bank. In his veto of the bill of 1832 he expresses himself in the following language: "I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the constitution of our country." Who now shall say that the President was not himself a bank man, or that he had not determined to recharter the late bank, had it received some modifications conformable to his views? But I am able to refer to some further evidence of the flexibility of the principles of the party upon this subject. The gentleman [Mr. Johnson] who was selected by the Baltimore convention to fill the second office in the Government, and to wear the second honor in the gift of the party, was notoriously an advocate of *a* bank, at the time he was nominated by the convention, whatever may be his views at this time of such an institution. The President himself has furnished the world with evidence which I have not yet noticed, that he is neither so much opposed to a bank, or to bank men, as the public have been made to believe. It is well known that, after the settlement of the deposite question, in 1834, the President had expressed a desire to reorganize his cabinet, so as to make it a unit, and, consequently, impart to it greater energy in carrying out the policy of his administration. Mr. McLane, of the State Department, was generally supposed to differ with the President in his views upon the subject of *a* bank, if not of *the* bank. He retired. Well, sir, how was his place filled? By a gentleman [Mr. Forsyth] distinguished enough, it is true, for his talents and services, but not at all remarkable for orthodox opinions upon the subject of the bank. That gentleman, in the debate upon the removal of the deposites, expressed a decided opinion in favor of the expediency of rechartering the bank, with some modifications! What, sir, are we to understand now, with all these facts before us, are the real doctrines and policy of the party in relation to this question of a bank? One thing at least is certain; and that is, that where there has been so much inconsistency, and so little regard for candor or principle heretofore, there can be no ground of confidence for the future. It will scarcely surprise this House, after what I have shown in relation to the opinions of the first men in the party, that this is the point upon which I have been most pressed, not only by the common pack of pursuers, but by the President himself. He who had far outstripped me in his views upon the subject of a bank—being willing to establish one at the seat of Government—a national bank, founded upon the public credit—such a bank as I would have sanctioned only when I was prepared to surrender every guarantee of liberty in the constitution—condescended to denounce me for entertaining opinions favorable to a bank! And hundreds of honest citizens have, in this way, been made to believe that my politics are of a most pernicious and monstrous character.

But to come down to the rank-and-file of the party. Did not the whole of the Pennsylvania delegation vote for the bank charter in 1832; and was not the Legislature of that great and patriotic State unanimously in favor of the bank in that year? As to the gentlemen of the party from New York, what pledge, what evidence, have they ever given to the country that they are not ready any day to support a bank charter, when it shall be recommended as a party measure by the leaders of the party? The members of the party from Virginia I exonerate from a charge of such gross disregard of principle; but there is one charge from which I cannot exonerate them; it is, that, with their eyes open, and when they see and know that a majority of their party associates in this House, and in the country, are prepared to sanction a bank, and every other measure which they profess to condemn, yet they still profess to take their present course in politics upon the ground of principle!

I have done, Mr. Chairman, with this enumeration of test questions. The enumeration may not be complete, but I think I have omitted none of a permanent and enduring nature. Well, sir, what conclusions may we justly draw from this brief review of the course of the party which, it is said, must be upheld?—those principles which, like the Union itself, "must be preserved?"—those principles which justify a resort to such a miserable cheat, so gross a device as the Baltimore convention, for the election of a President, instead of the regular constitutional mode of electing that high officer? Where are those principles which justify the open and direct interference of the Executive in the election of his successor, and the consequent prostitution of the whole patronage of the Government to that object? Where, I repeat, and what are those principles which are endangered by dividing the party? What are those principles which a learned judge of Virginia [Mr. Barbour] fears will be endangered by dividing the party? What are those principles which another learned associate judge of the Supreme Court of the United States [Mr. Wayne] had in his mind when he gave the sentiment last summer in favor of the practice of caucus nominations? I have shown that the principles of the dominant party sanction removals from office for opinion's sake, and justify the use of executive patronage in controlling elections as a necessary cement of union among the members of it. I have shown that a majority of the party are prepared to support a system of internal improvement by the Federal Government; that the moment it becomes expedient, in reference to party interests, they are ready to establish a national bank; that they are in favor of increasing the expenditures and patronage of the Government in every branch of the public service; and, above all, I have shown that they are prepared to sanction and justify the direct and open interference of the President in the election of his successor. Now, sir, what party in this country would go further? Are these the principles which are so important to be preserved, that every other consideration, sound doctrine, and practice, must be disregarded and trampled upon? What are those principles and practices of the federal party which the people are taught deserve their abhorrence, and how do they differ from those of the party in power? Will some member of the House do me the favor—will he do the country the favor—to point them out? Are they worse than the principles and practices which I have proved to belong to the self-styled republican party?

I cannot conclude my remarks upon the shameful disregard and contempt of all consistency manifest in the course of the leaders of this party, without some notice of a practice that deserves the most pointed rebuke from every friend of popular rights and free government. Since the beginning of time, there has not been a more gross and systematic attempt to excite and delude the people by false professions and pretences, or, to use a popular term, by humbugging them. I am sorry to say that the heads—the first men in the party—are most distinguished in the practice of this method of leading, and thereby governing, the people. Such a practice, in any Government, in the leaders of any party, is disgraceful; but it is especially so when resorted to by republican statesmen, because it is absolutely subversive of the principles and theory of a free Government. It is founded and adopted upon the idea that in no other way can the people be governed; in truth, that they have not capacity or information sufficient for self-government. It is the method adopted by all arbitrary and unjust Governments, from the earliest times, to maintain their authority among the people. It is the essence of all state-craft, as well as priestcraft, to take advantage of the ignorance of the people, and wheedle them into a reverence for unjust authority, by every species of fraud and imposture—a system always adapted in each country to the peculiar prejudices, civil and religious, of the people. The introduction, at this time, of a system of this kind, open and gross as it has been of late, must have the most unhappy effect upon the cause of free institutions everywhere. While it proceeds upon the hypothesis that the mass of the people are little better than children in the grade of their intellect, and possessing all their credulity and waywardness, it leads directly to the suppression of the truth, as you may see daily exemplified in the columns of the newspaper organ of the party, (the Globe.) I need scarcely say that the characteristic feature of this practice, and its first requisite, is impudence. It is a singular fact in the history of the human mind, that the most uncommon and unaccountable deceptions which have been practised upon it have ever succeeded, chiefly by the boldness, by the sheer impudence, with which they have been attempted. But, that I may not be charged with making loose and unsupported declarations, I propose to array a few of the proofs which exist of a successful resort to this system by the gentlemen who now control the administration of public affairs in this country.

The first grand deception which was played off upon the honest and confiding people of this country was the early announcement that retrenchment and reform were to be the cardinal points in the policy, and the most cherished objects, of the present administration. Well, sir, the first act of retrenchment which took place, I believe, was perpetrated by the present Postmaster General, (Mr. Kendall,) when Fourth Auditor of the Treasury. One of the first acts of his official duty was to decline taking certain newspapers, at the public charge; an extravagance which his predecessor had indulged in. It would be really amusing now to run over the pages of the then official organ of the party, and remark the consequence which was imparted to this act; but this was declared to be but a grain of sand upon the seashore in comparison of what was to follow. If there was any repetition of this example of retrenchment more notable than this one, I do not now recollect it. Whether the expenditures of the Government have been retrenched or not, I refer to the public documents to answer. I will merely state, upon this head, that the regular appropriations for the service of the present year, exclusive of the expenses of Indian wars, exceed the expenditures of any former year of the late administration more than one hundred per cent.! This is certainly an extraordinary evidence of increased economy and retrenchment! Now, sir, as to the other branch of the reform which was announced as the great purpose of the present administration, I mean the reform of those abuses which had brought the patronage of the Government in conflict with the freedom of elections, I have already alluded to the language of the inaugural address upon this subject. This was, as interpreted at the time, a proclamation and interdict to all public officers, after the manner of Mr. Jefferson's circular, to abstain from all interference in elections. Whenever the subject of executive interference, or the perversion and abuse of executive patronage, and the interference of public officers in elections, have been noticed or complained of, the President, by his usual organs of communication with the public, has been held up to the people as decidedly adverse in his principles and feelings to any such practices. About two years ago, I believe it was, upon some complaint that a public officer had interfered in an election in the Territory of Florida, the official organ announced to the country that no such interference could have been authorized by the Executive, inasmuch as he had expressly interdicted all such practices in his first inaugural address. Even as late as last summer, his principles, in relation to this practice, were declared in his favorite organ to be well known, and that they had never been changed! Sir, thousands of honest men of the party receive all this with the same degree of faith that they read the Bible. But what are the facts; and what were the facts at the time these hypocritical declarations were made? Sir, the President himself had, at that time, not only taken an open and decided part in the election of his successor, even as between two of his own political friends, but he had interfered, and was then actively and zealously employed in operating upon the elections of members of both Houses of Congress. But this is not all: so far was he from interdicting the interference of public officers in elections, that he is known to have given his countenance to such interference in more than one instance; and every public officer in the United States now knows that he cannot do a more acceptable service to the Executive than to devote himself to the cause of the Vice President. As to the course of subordinate public officers generally, the humbug of reform is, if possible, more striking and complete. Is there a member of this House who does not know that in every public meeting, particularly in the North and Northwest, connected with the presidential elections, the officers of this Government and the State Governments, of the same politics, are the most active agents concerned in them; signalizing themselves by their zeal in drilling or drumming in advance, or as members of the meeting—surveyors, registers and receivers of land offices, postmasters, custom-house officers, and mail contractors! But a few facts are of more value than a great deal of mere assertion. It has been stated, upon good authority, and never contradicted, that in the convention which met at Albany last year, to appoint delegates to represent the State of New York in the Baltimore convention, there were forty-eight public officers of the State and Federal Governments, and among the number eighteen postmasters and thirteen judges of courts! Of the committee raised to select the delegates, eighteen were public officers, and among the number twelve postmasters. Of the whole number of delegates to the convention at Baltimore, forty-two in number, twenty were public officers of the State or National Governments, and of these five were postmasters, and five others judges of courts!

In the convention which sat on the 8th day of January, 1834, at Columbus, Ohio, to appoint delegates to meet in the national convention at Baltimore, 47 were public officers; and among others, 13 postmasters. How many public officers there were in the late Baltimore convention, from all the States, I know not; but what is most to the point is, that there were some there so notorious and prominent in their connexion with this Government, that the fact that they were members of that convention could not have been unknown to the President at the time. But why mince this question? Why take time to prove what has been notorious for years? The interference of public officers has been common, and is as open and notorious as it has been common. If any proof were wanting to show that the interference of public officers in elections has not only been permitted, but even encouraged, by the Executive, it might be found in the fact that, in the late Baltimore convention, a surveyor general of a large State of the West was a member, within so short a time after the date of his appointment, that I doubt whether he had actually been installed in office before he made his appearance as an active member of that body. Again, sir: a gentleman who had spent the preceding winter in close connexion with the Executive, as one of the commissioners for the adjudication of claims under the French treaty, at a salary of three thousand dollars a year, was one of the most efficient members of that convention. The secretary of that commission was also a member. In fact, without the contingency of that commission, I do not see how the convention could have gotten along at all. Yet, sir, when this practice was so notorious—so approved as it must have been—in the face, I say, of all these facts, the official organ (the Globe) continues to announce, for the edification of those of its readers who stand aloof from all the active scenes of party strife, and who read the Globe only, that the President is, in principle, opposed to all interference of public officers in elections, and that he interdicted the practice in his inaugural address!

The next most remarkable humbug grew out of the contest between the administration and the United States Bank. I pass over some of the smaller and more disreputable deceptions practised upon the people in this conflict; such as the alarm that was gotten up at the idea of using the capital of foreigners, and the apprehensions created that we would soon be under the government of the nobility of England, unless the bank was put down. But the one which answered the purposes of the party more effectually than the rest was the project of a gold and silver currency. This was urged with all the apparent zeal of candor, and all the confidence of success. It took for its hour, and did more to secure the triumph of the party than all the other devices to which they have resorted. In many large States, in many entire sections of the Union, in 1834, and until the elections were over in the fall of that year, it was the engrossing topic, and the confident belief that the administration of General Jackson had matured a scheme of policy which only required the support of the people to enable them to carry it into effect, which would restore the golden age. There was really something more fascinating in this scheme to the fancy of the people than the mere substituting gold and silver for bank paper. The idea of increased means, and new sources of enjoyment, were associated with the new policy in their minds. The effect was great. I remember well the sensation produced in the State of Tennessee upon this subject. We had the honor of a visit from our respected Chief Magistrate that year, about the time of the first issue of the new gold coin; and the attentive and vigilant Secretary of the Treasury did the President the honor to forward to him a few of the first new and shining pieces which dropped from the mint. I believe I would not err, if I were to say that these beautiful and attractive evidences of the wisdom and patriotism of the administration in its struggle against the Bank of the United States, and its alleged corrupt supporters, were exhibited by the President to thousands, and to some with the intended effect. At the same time, the proposition that gold and silver were the only constitutional currency, stated by the President in the form of a sentiment at a public dinner, which he gratified the people of Nashville by accepting, was arrayed before the public with all the consequence and effect his great name and official station could give it. From that time forward, any man who held opinions favorable to a bank was denounced as an enemy to the new and glorious project of General Jackson in relation to a gold and silver currency. The subject became the burden of public addresses to the people. A Senator from the State of Tennessee [Mr. GRUNDY] distinguished himself that year by bolstering up this humbug. Well, sir, at that moment there were four hundred and fifty banks chartered by the States, and more than four hundred actually in operation, and all of them authorized to issue notes. But what marks the peculiar grossness and profligacy of the imposture practised upon the people, is the fact that the official journal of the same party which resorted to this shameful artifice had, up to that time, earnestly recommended the establishment of new and additional State banks. This fact is so striking an illustration of the principles and character of the party, that I beg leave to read an article or two upon this subject from the Globe.

"STATE BANKS.—It was anticipated, from the zeal with which the respective Legislatures of Kentucky, Indiana, and Ohio, entered upon the duty of establishing State institutions, to secure to the State Governments the emoluments growing out of the banking business, that each, by this time, would have had a local system in full operation. This seemed indispensable, as well to meet the necessities of the people, incident to the winding up of the United States Bank, as to enable the States to appropriate to themselves, respectively, the benefits resulting from that event. The general wish of the people seemed to require of their representatives the prompt accomplishment of this important object. How deeply the people have been disappointed appears from the demands now made, through public meetings, for an immediate act of the Legislatures in some of these States, to resume the business of the chartering State banks."

[*Daily Globe, March* 28, 1833.

Not a word about the limitation of notes above five or ten dollars.

If the committee will indulge me I will now read an article from the same paper, urging, in the strongest terms, and by the most persuasive argument, the establishment of a bank, with large capital, by the State of Pennsylvania! I see surprise in the countenances of many honorable members, but I hold the article in my hand. [Cries of read, read, from many members.]

"Pennsylvania has incurred immense expenditure, and accumulated a large debt, in expanding her improvements and giving an impulse to her commercial enterprise, which, in connexion with her central position, will serve to make her commercial *mart* a sort of reservoir into which, and from which, the currency of the country will flow; and why should not the State profit by its internal advantages, and by the artificial aids which have cost so much? Why should she not establish a bank of a large capital, in which she should be interested as the principal stockholder? Such a bank, especially if the faith of the State were pledged for the redemption of its paper, would command universal confidence, and would, doubtless, beome the depository of the public funds accumulated at Philadelphia. The stock of a State bank, thus holding relations with the Treasury, (necessarily resulting from the closing of the foreign brokers' office, misnamed the Bank of the United States,) would be of incalculable value to the Commonwealth. Under proper management, its dividends would relieve the State from the interest of its debt, and the people from the burden of taxation. It would, in effect, wipe out the debt which has cast a shadow over the bright prospects of the State, and remove the feeling of discontent which manifested itself in the late election of Governor."

Here, sir, we have a direct offer of a combination between the Treasury of the United States and this new Bank of Pennsylvania, or, in other words, a union of the State and federal patronage, for the purpose of securing the permanent ascendency of the party in that great State; and this from the acknowledged organ of the party, and the protege of the majority of this House at this moment! But I have not yet said all I intended to say upon the subject of the gold and silver humbug. It is well known that, in 1834, the people of the great State of Pennsylvania, as well as some others, were in perfect ecstasies at the idea that an exclusive gold and silver currency was to be one of the glorious results of the sound principles and energy of the present administration. I have been informed that pieces of the new coin were actually exhibited from the hustings and at the polls, in the elections of that year, as a specimen of the new currency, which was soon to supply the place of bank rags. At the same time a general prejudice, or rather indignation, was excited among the people against all incorporations. All stockholders in banks were stigmatized as monopolists and aristocrats. It is certain that the elections in many districts were controlled by the cant of the party press and party leaders upon these topics. It will not astonish those who have observed the blindness and devotion of party zeal within the last two or three years, to find that these very doctrines and sentiments were considered and repudiated by the then Secretary of the Treasury, then and since one of the greatest favorites of the President. I allude to Roger B. Taney, who has since, in consideration of his devotion to the priciples which, as it is alleged, have been the great object of the present administration to carry out and to perpetuate, been appointed Chief Justice of the Supreme Court—in my opinion the very first and most desirable office under this Government. This circumstance is so very singular in the history of the gold and silver humbug, as to deserve a more particular notice. The favorite minister was never more explicit and positive than in his opinions upon the questions which were still made the party hobbies or humbug of the season. For the edification of those who have not observed the course of the pariy as closely as I have, I will read a few passages from the letter of the late Secretary of the Treasury of the 15th April, 1834, to the Committee of Ways and Means, upon this subject:

"It is evident that the chief part of the paper currency of the United States must always be furnished by the State banks."

"The notes of the different local banks form the ordinary circulating medium for the great body our citizens, and it would be unjust to them to disregard its condition."

"It will be seen, from this statement, that it is no part of the proposed plan to dispense with the State banks. It obviously is not in the power of Congress (if it desired to do so) to take any measures for that purpose without an amendment to the constitution. And the States would not, and ought not, to surrender the power of chartering banking companies. The State banks are now so numerous, and are so intimately connected with our habits and pursuits, that it is impossible to suppose that the system can ever be entirely abandoned. Nor is it desirable that it should be. They are often abused, like all other human institutions. Yet their advantages are many, and under proper regulations, and with the metallic basis now proposed for their paper issues, they will be found of much public advantage.

"If there were no State banks, the profitable business of banking and exchange would be monopolized by the great capitalists. Operations of this sort require capital and credit to a great extent, and a private individual, in moderate circumstances, would be unable to conduct them with any advantage. Yet there is, perhaps, no business which yields a profit so certain and liberal as the business of banking and exchange; and it is proper that it should be open, as far as practicable, to the most free competition, and its advantages shared by all classes of society. Individuals of moderate means cannot participate in them, unless they combine together, and, by the union of many small sums, create a large capital, and establish an extensive credit. It is impossible to accomplish this object without the aid of acts of incorporation, so as to give to the company the security of unity of action, and save it from the disadvantage of frequent changes in the partnership, by the death or retirement of some one of the numerous partners. The incorporated banks, moreover, under proper regulations, will offer a safe and convenient investment of small sums to persons whose situations and pursuits disable them from employing the money profitably in any other mode. It is not more liable to be lost when vested in the stock of a bank than when loaned to individuals. The interest on it is paid with more punctuality, and it can be sold and converted into cash whenever the owner desires to employ it in any other way."

"For these reasons, it is neither practicable nor desirable to discountenance the continuance of the State banks. They are convenient and useful, also, for the purposes of commerce. No commercial or manufacturing community could conduct its business to any advantage without a liberal system of credits and a facility of obtaining money on loan when the exigencies of their business may require it. This cannot be obtained without the aid of a paper circulation founded on credit."

Would any one have supposed that at this time, and during the remainder of that year, the project of a gold and silver currency as a substitute for bank notes was the most powerful and effective weapon ever wielded by the party? Yet such was the fact. But, what is quite as remarkable, it was, I believe, in the same year that Mr. Benton (who would be greatly offended if any one questioned the sincerity of his views in relation to the policy as well as the practicability of establishing a gold and silver currency as a substitute for bank paper in this country) published a long and elaborate letter, vindicating the late Secretary Taney, and placing him upon the highest ground as a statesman and minister of finance!

The next in order, and the last but one of the series of impostures practised upon the people of late, which I shall notice, was the alleged danger of an election by the House of Representatives, by which members of Congress would have it in their power to make a President; and hence the necessity of a national convention or caucus of the party to select a candidate who will be able to unite the support of a majority of the people. An election by the House of Representatives, it was said, will always be made upon corrupt motives. Bargain and intrigue would carry every thing in the House, and those members who could not be brought to stipulate for offices, in consideration of their votes, might and would be bought up by the ample means of the Bank of the United States. Well, sir, what was the remedy for this great mischief? An election; yes, sir, an election; for, when this practice of caucus nominations becomes the established usage of a dominant party in this country, the election of President will always be by a convention or caucus; that is, in order to avoid the intrigue and corruption of an election by this House, we must resort to a convention composed of gentlemen who cannot be seduced by the offer either of offices or bribes in money—pure patriots, who will only have the interest of their country in view! Such was the cant of the whole party, and the people in many of the States were taken by it. Well, sir, the Baltimore convention was held—a convention of immaculates, truly! The constitution, from a proper jealousy of executive power and influence, studiously excluded all office-holders from a seat in this House, supposing them always exposed to influences which would cause them to be unsafe legislators or electors. But in this new Congress, chosen for the election of a President of a party, the officers of the Government were actually the most active, leading, and managing men of the body; and, as if to show their utter contempt of the cant of their own party, about the necessity of choosing a President under circumstances totally free from any suspicion of sinister or selfish motives, the members of the Baltimore convention elected a distinguished gentleman to preside over their deliberations, who had, for more than a year, had a contingent commission in his pocket for one of the highest stations under the Government. But the extent of the imposture will only be fully developed, when it is known that this identical party, which, during the last year, kept up such an alarm about the danger of an election by the House, actually defeated a proposition in this House the winter before to amend the constitution so as to prevent the election of a President at any future time from devolving upon the House.

But a word or two upon the subject of the alleged venality and corruption of this House. How dare any man who is a friend to the constitution—who is sincerely an advocate of a free representative government—with what consistency, I say, can such a man affirm, and proclaim to the world, that the members of this House, elected in pursuance of the laws and constitution, and the representatives of a clear majority of the American people, are more liable to be influenced by corrupt and venal considerations, than the members of such a motley assembly as that which lately sat at Baltimore? Were they more honest than the members of this House? Had they more elevation of character? Were they more clearly and decidedly the representatives of the feelings, intelligence, and principles, of the people of the United States? Were they less given to intrigue? Could not offices be promised to members of that body as well as to members of Congress? Could not bribes be given, and received, with as much facility there as here? Were the members of that assembly less needy, or more indifferent to office, than the members of this House? But, sir, why should the party of the Baltimore nominee fear an election by this House, if it is really believed to be so easily won from its duty by the corrupting influence either of money or of office? Sir, it is all the merest pretence and imposture that was ever attempted to mislead the people. That party dreads a contest upon equal grounds, and without the aid of false pretences, both before the people and this House. The free and unbiased choice of the people is not less dreaded than the integrity of an American House of Representatives. Sir, if this House is to be swayed in an election by bribery and corruption, does not every one know that, in the means of corruption and bribery, there is one candidate for the presidency rich beyond the possibility of rivalship or competition? The gold of the United States Bank is constantly held up before the people as the dreaded source of the corruption of members of Congress. It is supposed that that institution could afford a few millions for the sake of a recharter. Suppose, sir, that the directors of that institution were profligate enough to lend, and the members of this House were base enough to borrow, its entire capital as the wages of their corruption, the bank would be but an humble competitor in the market of this House for votes, in a conflict with the Government, backed by a capital of thirty millions per annum! Yes, sir, even supposing that this House was composed of the vile and unprincipled wretches which it has been represented to be, and the Bank of the United States were to enter the market with its whole resources of capital and credit, it could not maintain a competition with the Government for one moment. The Government may distribute its bribes in the disguise of rewards for public services, and so avoid any wound to the consciences of the honest patriots of the House. The bribes which the Government can offer are also solid and lasting. The bank is generally supposed to administer its bribes in the shape of loans, upon security, which the borrower must repay with interest; but the Government can vest estates for life, and bestow its millions per annum, without interest, and never to be reimbursed. If, sir, I repeat, the members of this House be the corrupt and corruptible representatives of the people which thousands have been made to believe, and the next election should devolve upon them, there need no ghost rise from the grave to tell us who will be elected! Why, sir, the forty deposite or pet banks, or rather Government banks, will be more than an over-match for the United States Bank in the work of bribery and corruption; and the vast patronage of the Government will be a clear surplus of means in the hands of the Government candidate. Let it be remembered that it is not the revenue of a single year which may be made available by the candidate who has the favor of the Executive. The revenues and patronage of the Government may be mortgaged by pledges and promises for the succeeding four, or even eight years. I reaffirm that under the circumstances supposed, there could be no doubt who would be the next President; and the party and its leaders know this full well. But, sir, they dare not risk an election by the House, with all their ample means. I call upon honorable gentlemen of this House to say if they are not upholding the nomination of the Baltimore convention, at the sacrifice of the character of the House of Representatives for honor, integrity, and independence. I call upon them to say, further, whether there has not been a labored and systematic attempt to disparage and degrade the National Legislature, in order to accomplish mere party ends.

But, sir, the crowning humbug of all is to be noticed yet. As if determined to give an example of impudence and absurdity, which might, under favorable auspices, prove successful in practising upon the credulity of a people said to be the most enlightened in the world, which should never be surpassed, the party which thus get up one humbug after another, and which scarcely allows one to pass away until it has another still more absurd treading upon its heels, making the people the dupes of a series of state tricks and impositions of the grossest character, assume, in their public addresses and journals, that they are the only champions of the rights of the people; the only orthodox believers in their perfect competency for self-government; and they allege that they are warring against a party which entertains doubts upon this question! If this is not entitled to become a premium specimen of impudence and absurdity, I can conceive of nothing that would. I have done, sir, with this part of my subject.

There is one apology, or rather justification, Mr. Chairman, which I have often heard urged for all that has been done by the party, in the course of the present administration, which is so objectionable that I feel constrained to notice it upon this occasion. It is, that the people have approved every thing that has been said or done. It is one of the most fallacious and insidious doctrines that can be started in a free Government. The idea that the people can never do or sanction any wrong, I believe may be regarded as one of the dogmas of the dominant party, or, rather, one of their professed principles. Thus, sir, if General Jackson is arraigned for the doctrines of his veto message upon the Maysville road bill, the answer is, that the people, by his re-election, have sanctioned his course upon this subject. If he is charged with the avowal of dangerous doctrines in his celebrated proclamation, the charge is answered by averring that the people have approved them. If it is alleged that he abused his powers under the constitution and laws, in the removal of the public deposites, he is defended by showing that the people have applauded and sustained what he has done. If the President shall openly interfere in elections, and attempt to secure the election of a favorite for his successor, the cry will still be, that, by returning a majority of the members of this House favorable to his wishes upon this point, the people have stamped his interference with their approbation. Thus, whether the question be one of constitutional power or of mere expediency—whether it be an abuse or a usurpation of power—it is all one, while the people applaud and sanction; the argument is, that all is right, and it is anti-republican to raise objections. This is a most flagrant error, and, if sustained by general acquiescence, it must prove fatal to the constitution. Why, sir, if the people can never err, why have a constitution? why place any restrictions upon the action of Congress or of the Executive? why not leave both to be governed by the will of the people, as expressed at their elections and through their representatives—the President in the executive department and the members of Congress in the legislative department? If whatever the people may, at any time, do or approve, must be right, and cannot be questioned, then, I say, the constitution is an idle piece of state mummery—a mockery!

Sir, it is because it was known by the framers of the constitution that the people could err; that the representatives of their feelings and wishes would often err, if left free to do as they thought proper; it is for this very reason, that the people may err, that a constitution or fundamental law was invented, and is accounted of infinite value. It is for this reason that it is considered the glory of the last century and of the American States to have reconciled the idea of a free Government with perfect security to the rights, both of person and of property, against the capricious impulses, sudden excitements, and prejudices, of the people, by the invention of that great improvement in government—a written constitution. Those who hold the doctrine that the people cannot err, are foes to all constitutional Governments. Sir, so far is it from being true that the people cannot err, that, from the foundation of the world, the most enlightended people that have existed in the different ages of it are admitted by all historians, whether republicans or monarchists, to have erred—erred grievously for the liberties and happiness of themselves and of mankind! Yes, sir, from the days of Moses to the present day, the people have erred. The proofs may be found in Holy Writ; and it is contrary to our religious faith to affirm that a whole people, a prosperous and happy people, may not err. We are bound to believe that a whole people, with the clearest light to guide them, but seduced by their passions, and misled by the arts of pretended prophets and ambitious knaves, have repeatedly deserted the worship of the living God, and given themselves over to the adoration of idols. This same people, not content with the simple government of the law under the auspices of which they passed the perils of forty years' sojourn in the wilderness, and took possession of a land flowing with milk and honey, would insist upon a change of government. They then conceived a fancy for a government of judges; and, finally, they would have a king! The enlightened people of the States of ancient Greece, skilled in the knowledge of government in all its forms, and most of them, at one time, in the enjoyment of Governments as free as our own, and for a long period filling the world with the fame of their triumphs in arts and in arms, yet fell from their high estate by the errors of the people.

The people of republican Rome erred when they deserted the standard of the republican leaders, and went over in crowds to shout in the train of Cæsar. The people of England erred when they set aside the honest men of their party, and mistook that hypocrite and tyrant, Cromwell, for a republican patriot and statesman. The people of France, of free and regenerated France, of republican France, erred, first in voting Napoleon to be Consul for life, and afterwards in voting that he should be Emperor. It is not true, then, that the people cannot err; but it is true that those who in every age have been most forward and zealous in flattering the people with the idea that they cannot err, have been the first to take advantage of their errors, and to betray their liberties. But though the people may, and often do, err—though they may be, and often are, led astray by false friends and false pretences—yet our happiness and our security consists in the further truth, that the great body of the people, especially of an agricultural people, are honest; and as long as the forms of a free Government are permitted to remain, and the power of the ballot-box is not superseded by the power of the sword, they may be recalled from their errors—the artifices of the impostors who have misled them may be unveiled. This is the true basis of the value of a free representative Government. It never was founded upon the idea that the people cannot err. The people sometimes do err; but the moment they are made sensible of their error, they do not hesitate to retrace their steps. This will be our hope in much worse times than these. I am not certain that things will not have to grow worse in this country than they are even now, before they can be better. But let us hear no more of the argument that, because the people have elected any man President, and sent a majority of the members of this House to support him, all is right. Thank God, this is no certain test, either of right, of truth, or of patriotism.

There is another argument, or rather another gross error, prevalent upon this subject. It is not uncommon to hear it said that the country is unusually prosperous and flourishing, in all the departments of industry—agriculture, commerce, and manufactures; that the revenues exceed the wants of Government; and, what is more than all, the national character abroad was never so respectable, or more respected; and it is asked, how can these circumstances, so gratifying to the pride of every American heart, exist under an administration the principles and practices of which are alleged to be so much at war with the public welfare and liberties? Every member present has no doubt heard the prosperous condition of this country repeatedly appealed to, in order to give a color of prejudice and untruth to the charge of vicious practices in the administration. It is as surprising as it must be mortifying to the pride of those who regard the people of the United States as the most enlightened in the world, to observe with how large a proportion of them the fact of the general prosperity is a sufficient answer to all that can be said and all that can be proved against the principles and conduct of the dominant party. Yet who is there that is really enlightened, and well informed in the nature and history of government, who does not know that great and general prosperity, in arts, in trade, and in arms, so far from being inconsistent with a corrupt and unprincipled administration, that it is at such periods that dangerous principles and practices take their deepest and most fatal hold; that the seeds of future misrule, of corruption, and a vicious action of the Government, are most widely sown; for then it is that that jealousy and watchfulness of the people over the conduct of those in power, so necessary to preserve the purity of the public administration, are almost sure to slumber. In such a period the malepractices of the administration incur the contempt or escape the notice of the people. Principles are avowed and acted upon, of the most dangerous tendency, without attracting observation. The people, industriously employed in profiting by the general harvest, or steeped in the enjoyment of stores already accumulated, are deaf to the warnings of patriotism. But there is another truth connected with this subject, which ought to be noticed. There is no well-informed man in the country who does not know that a temporary condition of prosperity and general happiness among the people may exist under a Government of any form. Proofs innumerable of this position might be drawn from history. At no period was there more general happiness among the people of Athens and of Attica, in ancient Greece, and a state of more general prosperity, both in agricultural and commercial pursuits, than under the sway of one man; nor was there ever a public administration of the affairs of a State more satisfactory to the people generally than the administration of that man; yet contemporary and all subsequent historians have denounced Pisistratus a tyrant—that is, a man whose will was supreme. The reign of the family of the Medici, in Florence, may be cited as an instance of the same kind, and both perfectly applicable, for in both instances all the forms of a free Government were strictly observed. One of the most learned and accomplished historians of any age (Gibbon) has said, that if he were required to point to the period in the history of the world at which the greatest degree of human happiness was enjoyed by the greatest number of the human race, he would designate the reign of three successive Emperors of Rome, who happened to be equally distinguished for their talents and their virtues. When was England more prosperous as a nation, when her name and her might more respectable or actually more respected and feared all over Europe, than under the administration of Cromwell? Yet even a British House of Commons disdained to be his supple tools in the execution of all his plans and wishes, and for that reason he finally kicked them all out of their seats, and ruled with absolute sway. All this was done in the name of liberty and of the Commonwealth. Again, sir: in what period in the history of France were the French people more generally prosperous, and when was France more terrible to her enemies, or more potent in the protection of her own interests, than under the administration of Napoleon? But it is useless to multiply examples. I have said enough to demonstrate that it is no argument to say, that because there is a season of general prosperity, there is nothing rotten or dangerous in the principles and practices of the party which now governs this country.

When Mr. BELL had concluded his remarks,

Mr. SUTHERLAND remarked that it was his wish that the bill under consideration should be got through the committee to-night, and he hoped that gentlemen who might desire to reply to the gentleman from Tennessee would wait until to-morrow, when the committee would take up another bill, on which they would have an opportunity to speak. It might be possible that he should make some remarks in reply to the gentleman from Tennessee; but he would for the present forego replying, with the hope that the question would be taken, and that the bill might be gotten through with.

Mr. BELL concurred with the gentleman from Pennsylvania, and hoped that the committee would not rise until they got through with the bill. Mr. B. concluded by withdrawing his motion to strike out the enacting clause.

Mr. MERCER said he had not examined the bill until within a short time, and he could not consent that it should be hurried though the committee to-night. Mr. M. concluded by moving that the committee rise; but withdrew the motion at the request of

Mr. SUTHERLAND, who briefly replied to the gentleman from Virginia and the gentleman from Tennessee. He contended that the improvements contemplated by the bill were clearly constitutional, and stated that he was favorable to those improvements, and to all similar improvements, let them be in what section of the country they might. The State he in part represented was but very little interested in the improvements contemplated by this bill, yet that circumstance did not make him any the less favorable to it. He would vote for them, and he would vote for similar ones, whether in the West or the East.

After a few remarks by Messrs. PEYTON, SUTHERLAND, MERCER, PHILLIPS, and JOHNSON of Louisiana,

Mr. LANE moved that the committee rise; which was agreed to.

The House then adjourned.

FRIDAY, JUNE 24.

DISTRICT BANKS.

Mr. W. B. SHEPARD, from the Committee on the District of Columbia, reported Senate bill to extend the charters of the banks of the District, without amendment, and moved that it be read a third time now.

After a few remarks by Messrs. W. B. SHEPARD, PIERCE of New Hampshire, and THOMAS,

Mr. BOON moved to postpone the subject until to-morrow.

Mr. LANE said he trusted, as one of the members of the Committee on the District of Columbia, that the bill would not be postponed to any future period; that every member of the House must be sensible of the importance of the bill to the people of the District, to the Treasury, and to the officers of the Government, and to the members of this House; that if any action is intended during the present session, that action must be prompt--now, not hereafter. This is a bill matured by the Senate, and passed that body by a large majority. As an individual, I have more confidence in the action of the Senate than that of the select committee. Nor is this all: the Committee on the District, to whom that bill was referred, have examined and reported it to the House without amendment. Thus we have the judgment of the Committee on the District in the Senate, of the Senate themselves, and of this House.

Sir, the objection comes with an ill grace from the gentleman from Maryland, [Mr. THOMAS,] the chairman of the select committee. The House cannot have forgotten that that honorable gentleman, in the third week of the session, submitted the motion to raise the select committee, taking this subject from the District Committee; and urged as a reason, that the subject called for prompt and speedy action—that the Committee on the District would not have it in their power to give it that attention—that two weeks had transpired, and they had done nothing. Now, sir, how stands the account with the select committee? Six months have elapsed, and as yet no report has been laid on our tables. We have seen, it is true, something in the shape of a report published in the Globe; but, as the gentleman says, not a report.

Sir, what had the House a right to expect from the high-sounding pretensions of the gentleman from Maryland? A speedy, a voluminous report; one that would have instructed, nay, astonished, the House; a report that would have placed the banking and commercial interest of the District on high and elevated ground; that would have cheered every heart, and brightened the prospects of this interesting and intelligent community.

If any thing is intended to be done upon this subject, the House is as well prepared now as they will be during the session. The gentleman from Maryland [Mr. THOMAS] says he has made no report, nor can he say when he will. Why, then, wait? What object is to be obtained by delay, other than a total prostration of the entire commercial interest of this District?

Mr. GARLAND, of Virginia, briefly replied to the gentleman from Indiana.

Mr. BOULDIN said he was a member of the Committee on the District of Columbia. He hoped that the people of the District would not be made to suffer on account of any jealousy of committees in regard to preference or honor, whether any body was in fault or not. We are now near the close of a long session. If we did not pass the bill now, we could not pass it this session. The people would suffer, not only for banking capital, but for attention to their ordinary business. There were several private matters that would take no more time for justice to be done them than it would take to render judgment on a plain bond in court. There were several bills of this kind he had reported, that he knew were of this character. We had got a day or two for the District, and the whole time had been taken up by the Dutch loan, a thing that the people had very little interest in. A few very rich people, he supposed, held the most of it. Now, if these banks are to be laid over until to-morrow, we should have no chance for that business, which individuals had a right to expect.

Alexandria had a bill that it would take but a few momen's to pass. No doubt, he thought, it would pass. If gentlemen really felt an interest for the District, why would they put over for to-morrow more than could be done on that day? Did gentlemen not know that if the few hours we had obtained from the favor of the House were taken up by these banks, that all the balance of the business would go undone? Did they not know that we would adjourn in a few days? Would we be justified, while we are the only power that the people of the District have to look to, should we pass over their interest and their complaints, their grievances and their needs, and take up the whole session in vain debates about things past or things that may never come to pass?

Mr. **JENIFER** hoped the House would take the vote on this bill at the present time, because to postpone it until to-morrow might defeat it.

Mr. **VANDERPOEL** said that he had the honor of being a member of the Committee on the District of Columbia, and he had at the commencement of the present session of Congress voted for the resolution to appoint a select committee for the purpose of examining into the doings of the banks in this District that apply to us for a recharter; and he regretted that that committee had not yet been able to complete its labors. They had made a report to us a few days ago, which they told us was imperfect, as it imbodied only the facts which they had been able to elicit before their examination was thorough and complete. A portion of that report was yesterday published in one of the daily papers of this city; and though, in its imperfect form, it did not profess to give a full revelation of the past operations of the banks in question, yet, as to some of them, it made disclosures that were truly startling! It was certainly very important that we should know whether these institutions had faithfully, fully, and fairly, executed the trust heretofore confided to them by Congress, before we gave them a renewed pledge of our confidence. Some of them had here, under our very eyes, suspended specie payments a few years ago; and from the skeleton of the select committee's report, which he had very hastily read, it would indeed seem that the suspension of specie payments, and the consequent depreciation of the stock of the banks suspending specie payments (or at least one of them) had been a source of profit to some who were connected with the institutions. He did not mean to inculpate any gentleman; but if it were true that the notes or stock of any of these institutions had depreciated, and any of the directors of that institution, by the direct or indirect purchase of stock or the bills of the banks, had profited by such depreciation, he would no sooner vote to renew the charter of such a bank than he would vote to legalize or sanctify the most nefarious frauds and most unhallowed speculations. Let us, then, (said Mr. V.,) have all the light that we can command—let the report of the select committee be printed and laid on our tables before we prolong the existence of these institutions, either for good or for evil.

Mr. V. said that the bill from the Senate came before us in a very strange, if not a very objectionable, form. It proposes by one bill, one act and deed, to recharter a whole batch of banks. For his part, he would rather take them in broken doses. This mode was perhaps very unjust to some of the banks, against whom no imputation of unfairness could justly be made. There was at least one, against which he believed nothing had been discovered. It was, perhaps, confounding the innocent with the guilty. He was for letting each institution stand or fall by its own merits; and rather than sanction this practice of ushering into existence a whole brood at a time, and giving a triumph to what was evil, by yoking it with what was good, when we entered upon the consideration of the Senate's bill, if no other gentleman would attempt to secure the separate action of this House upon each bank, he was not sure but he would do it. At present, he was in favor of postponing the consideration of the Senate bill till after the report of the select committee of this House was printed.

After a few remarks by Messrs. **HARDIN** and **W. B. SHEPARD**,

Mr. **BOON** withdrew the motion to postpone.

Mr. **HAWES** then moved to commit the bill to the Committee of the Whole on the state of the Union; which was disagreed to.

Mr. **GILLET** then moved to postpone the bill until to-morrow, and proceeded very briefly to give his reasons for making the motion.

After some further remarks by Messrs. **THOMAS**, **GARLAND** of Virginia, **MERCER**, **JENIFER**, **PEARCE** of Rhode Island, **HOAR**, and **WM. B. SHEPARD**, the hour arrived for proceeding to the special order of the day.

IMPROVEMENT OF HARBORS.

Mr. **PATTON** said he agreed with his colleague that all these measures ought to be put by their friends in the same bill. They all belonged to the same family; constituted branches of the same system of internal improvements; rested upon the same kind of interpretation of the constitutional powers of the Congress of the United States; were to be defended by the same arguments, or could not be defended at all; all the various parts of this system were liable also to the same objections on the score of expediency, productive of the same odious inequality in reference to the various parts of the Union, of the same kind of pernicious increase of the patronage of the Government, tending irresistibly to the same extravagant and injudicious expenditure, or rather waste, of the public money, and depending more or less for their success upon a species of log-rolling, or, as they call it in the Western country, "cohogling," most disreputable and corrupting. Being thus joined together in principle, or want of principle, he was at a loss to understand how the friends of all should be willing to have them put asunder, especially after the remark made yesterday by the gentleman from Pennsylvania, that they must stand or fall together; by which it now seems he meant that the friends of each must go for all, as being bound together by the same interests, though he seems to apprehend that there must be danger of the whole being sunk if they were embarked in the same vessel—an apprehension which has some foundation in the danger of the public sense being shocked by the enormous amount and partial distribution of the appropriations asked for by these various bills from the Committee on Commerce and on Roads and Canals.

Mr. Patton said that he had no stomach for any of them; that he had a mortal aversion to physic of every kind, and especially in broken doses. He was opposed to swallowing these doses in any form in which they could be administered; but if we are to be forced to take them, if they must be gulped down, he thought they ought all to go together.

I did not expect (said Mr. P.) to have said any thing in opposition to these bills. I know, from the experience I have had here, how hopeless it is to make any resistance to them, or to any bills framed as these are—containing appropriations for a majority of the States of the Union, and confined almost exclusively to those States whose representatives have no constitutional scruples against them, and whose constituents have a direct pecuniary interest in their passage. I had therefore made up my mind to submit in silence to the infliction of this wound upon the constitution, and to the large draught upon the common Treasury made by these bills for local objects and partial benefits. After the remark made by the gentleman from Pennsylvania, on yesterday, that every body admitted the constitutional authority of Congress to appropriate money for clearing out and making harbors, for clearing out rivers, and removing sandbars, and making surveys preparatory to such works, I felt bound to speak, at least for the purpose of "excluding the conclusion" that this sweeping claim of undisputed power was acquiesced in. I enter my protest against it. These measures are put distinctly in the preamble to the bill upon the ground of security and extension of commerce; and for such a purpose I deny the authority of Congress to appropriate money for harbors, rivers, and surveys. I can very well conceive that it may be competent for Congress, in reference to the safety and useful operations of our naval force, and as incidental to the authority to raise and support a navy, to deepen the harbors on our seacoast and the lakes, connected with our navy yards, naval depots, &c., or even to clear out and make harbors, with a view to be used by our ships of war as places of safe anchorage and security from storms of wind, or to guard our maritime cities in time of war. That such improvements, made with these objects, and authorized by this obvious deduction from the power to sustain a navy, should indirectly increase the facilities and promote the interests of commerce, constitutes no objection to the exercise of the power in proper places, and to a proper extent; indeed, such incidental benefits to commerce are subjects of felicitation whenever they occur.

The broad ground assumed by the gentleman from Pennsylvania, [Mr. Sutherland,] and carried out practically in the provisions of these bills, in my humble judgment, cannot be maintained upon any fair reading of the constitution, and without opening a door wide enough for the admission of all the various sorts of internal improvement which have ever been claimed, whether upon land or water, whether national or local, whether above or below ports of entry. Whence is the power derived? From that clause of the constitution which gives Congress power "to regulate commerce with foreign nations and among the several States," &c.

The whole authority conferred by this clause obviously is to give Congress the right to prescribe the terms upon which trade shall be carried on; the tax which shall be imposed upon imports and exports; and the discriminating duties upon home and foreign tonnage; and all the various regulations for entering goods, vessels, &c. &c. upon importation, and of registering, clearance, &c. upon exportation. The regulation of commerce between foreign States has nothing to do with making the harbors, clearing out the rivers, and removing obstructions, any more than the right to regulate commerce among the several States confers the right to make roads and canals on which the people may travel in carrying on their trade. The constitution, in each case, presupposes the existence of channels of communication, and only intends to give Congress the right to make regulations, by means of which trade may be carried on upon known fixed principles. To suppose that this gave Congress the right to legislate upon every matter and in any way which would improve the facilities and increase the profits of trade between us and foreign nations, or between the several States, would launch us into a boundless ocean of power never yet claimed or even dreamed of by the most latitudinous expounders of our constitution. It involves an utter perversion of the letter and meaning of the constitution to construe an authority to make a regulation into one to make a harbor or to make a road or a canal, or to clear out obstructions from a river. The constitution gives Congress the right to "regulate the value of coin." Upon the interpretation now contended for, this would have given the right to coin money, to build establishments for individuals or States to coin money at, and even to furnish the metal out of which the coin should be made. But the framers of the constitution thought it necessary to give the power expressly "to coin money," as well as the power to "regulate the value" of it. This interpretation of the power to regulate commerce is infinitely more questionable than the one under which the power to protect domestic manufactures was claimed. There the means by which the end was effected were regulations of commerce; here, the means resorted to have nothing to do with regulations, according to any meaning attached to that word, as it is used in the English language. It is not my purpose, however, to go into an elaborate argument upon this often-contested question.

If, however, Mr. Chairman, the powers claimed by this bill be legitimate, what becomes of the principles laid down in the veto message of the President in regard to the Maysville road? Many of the appropriations in these bills are for harbors and rivers where no ship of war, or sloop, or even barge from a man of war, is ever expected to be seen. They are wholly unconnected with the object of providing and maintaining a navy; in many cases, for places of very limited trade, and wholly within the jurisdiction of a single State. I call, then, upon all those who united with me in hailing the Maysville veto as constituting a new era in our affairs, and as putting a very material check, though not entire end, to the system of extravagant and unconstitutional appropriations, under the name of internal improvements, to stand their ground, and maintain the principles then proclaimed. No man can prove that, while an appropriation for a turnpike road from Maysville to Lexington is unconstitutional, appropriations for clearing out every little harbor and every navigable river on the Atlantic and the lakes are constitutional. What is it which stamps the character of nationality upon the latter, and dubs the former as local? I am not sufficiently learned in the science of political distinctions to perceive the difference. If many people engaged in trade from a distance, and from other States, are interested in each of these appropriations, why, it is equally true that many people of different States, engaged in trade, were interested in the making the turnpike road from Maysville to Lexington; and if this is all that is necessary to give a character of nationality to any work, why, upon the same principle, Gadsby's hotel, or Walker's eating-house, would be entitled to the fostering care of the Government, as "national establishments." The President repudiated all such considerations in his Maysville veto; and I hope he, and all who agreed with him then, and who rejoiced with me in the prospect held out in that message that we were about to recover "the lost rights of the States," will repudiate them now, and give a quietus to these harbor and river bills.

There is another idea which is frequently thrown out in regard to these appropriations for harbors, which is wholly unfounded. It is frequently said that measures of this description are coeval with the Government; that they have gone on with all parties, and must soon be regarded as not open to objections of power or principle. This is a mistake in fact, although it seems to have received countenance, to some extent, from the President, in his remarks upon the bill containing the appropriation for the Wabash, which he refused to sign. It is true only to this extent: that, among the first acts of the Government, was one which assumed jurisdiction of, and exercised the power of building, light-houses, piers, buoys, &c. That may be justified; and confined to the sea and bay coast, and to our large seaport harbors, I think is justified by the authority expressly given to provide and maintain a navy, as fairly incidental to that power, when *bona fide* exercised, in reference to the safety and utility of the navy; at all events, to that extent the power has been uniformly, and without dispute, assumed and exercised, and I, for one, should not be disposed now to disturb it. But not so with this authority to make and deepen harbors, and clear out rivers. That has been, comparatively, of recent origin, and uniformly contested. To be sure, its approaches were very gradual, and the extent to which it was at first exercised so inconsiderable as to attract at first very little notice, and occasion not very serious dispute. I propose to look a little into its history and progress. These appropriations took their rise in 1816, the era of the tariff of duties with a view to protection, the era of the commencement of the general system of internal improvements, and the era of the revival of the Bank of the United States. The very first bill that I have been able to find, under the head of appropriations "for surveys, preservation and repairs of islands, harbors, and rivers," was passed in April, 1816.

[Mr. Mercer here said that his colleague was mistaken; that Mr. Madison had very early in the Government proposed to have a road made from Georgia to Maine, and that during General Washington's administration an appropriation had been made for improving a harbor at Marcus Hook.]

Mr. Patton resumed, and said he was well acquainted with the history of that resolution, introduced by Mr. Madison in 1796, which proprosed to inquire into the propriety of making a continuous road from Maine to Georgia, for conveying the mail. I remember, too, that Mr. Jefferson immediately wrote Mr. Madison a letter, in which he earnestly remonstrated against the power recognised in the resolution, and pointed out the objections to it, both on grounds of want of constitutional power and on grounds of inexpediency, and Mr. Madison did not press the resolution, and nothing was ever done under it.

As to the harbor at Marcus Hook, this is the first time I have heard of it. What were the circumstances under which the appropriation was made, whether it was founded upon a claim of power such as that I am now considering, or as incidental to the navy power, I know not. It was, at all events, a single case, standing alone from 1789 to 1816, and surely not much to be weighed as an authoritative precedent. I repeat that nothing like regular legislation upon subjects of this sort is to be found until 1816, and, indeed, until 1823; and for many years, down even to 1827, the appropriations for objects of this kind were so inconsiderable in amount, and so few in number, as to warrant the belief that the attention of Congress was never attracted very strongly to the questionable character of the power exercised, or the dangerous lengths to which it might be pushed.

I copy an abstract of the appropriations passed under the above head from 1816 to 1827, viz:

1816, April 27	$30,0000
1821, March 3	2,500
1822, May 7	11,500
1823, March 3	6,000
1823, March 3	150
1824, May 26	20,000
1826, March 25	7,000
1827, March 2	2,000
1824, May 26	20,000
1825, March 3	5,712
1826, March 25	13,185
1825, March 3	400
1825, March 2	52,973
1826, May 18	50,000
1826, May 20	200
1826, May 20	3,500
1826, May 20	3,000
1826, May 20	$24,620
1826, May 20	400
1826, May 20	200
1826, May 20	1,000
1826, May 20	10,000
1823, May 20	200
1827, March 2	10,650
1827, March 2	10,000
1827, March 2	8,000
1827, March 2	1,500
1827, March 2	700
1827, March 2	4,000
1827, March 2	7,000
	$306,390

I have not the means or time to trace the progress of this thing since 1827; but the above presents sufficient matter for reflection. The gross amount of all the appropriations between 1816 and 1827, a period of eleven years, amounts to a little upwards of $300,000; and these bills which we are now passing through, without a hope of resisting them, contain appropriations for old and new works, amounting to about ($1,700,000) one million seven hundred thousand dollars for one single year. Such is the encroaching character of this kind of legislation; so extravagant and enormous are the appropriations which we are called on to sanction. But how desperate, in the very nature of the thing, must be in general any efforts to defeat such a measure. Here you have a bill proposing appropriations for a large number of the States, enlisting thus in its support so many representatives as can conscientiously support a measure of the kind. Those States the support of whose representatives cannot be obtained, from constitutional scruples, or something else, get no portion of this large expenditure. By way of illustration of this, look at the fact, that out of the vast appropriation contained in these bills, exceeding a million and a half, there is but $500 for Virginia, with all her extent of seacoast, of baycoast, her numerous harbors, and noble rivers. This unequal distribution of the benefits of the Government in this form is perhaps unavoidable, and constitutes one of the great objections to the exercise of the jurisdiction over subjects local in their character, and necessarily partial in their operation.

These are some of the general objections to this system of internal improvements, even when the expenditure is entirely judicious, and all the benefits expected by the friends of the system are realized. And now, having appealed to all those who sustained the Maysville veto to carry out their own principles, and resist this vast expenditure of money for objects, nine tenths of which are, in every point of view, merely local in their character, I now ask all those gentlemen who disapproved the Maysville veto, and who derive no benefit from this new mode of making internal improvements—upon all gentlemen from the interior favorable to the general system of internal improvements—whether they will give their sanction to these measures? Can they reconcile it to themselves to unite in making appropriations for internal improvements by water, when it is estopped by land—that the money of their constituents shall be taken in these large amounts to improve harbors, rivers, and islands, in which they are in no way interested, when they and their constituents are not allowed, either because they travel by land, or because they are situated above a port of entry, to participate in any way in the benefit of these appropriations? If the power was clear, if it were possible for the Government of the United States to exercise such powers judiciously and economically, the inequality of the distribution of the benefits of such appropriations would prevent me from giving them my approbation.

But there is another point of view in which this subject is worthy of the serious consideration of the House. The bill making appropriations for old works was presented to the House accompanied by a report from the Committee of Ways and Means, to which I wish earnestly to solicit the attention of the House. It will be seen from that report, made by the gentleman from Maine, [Mr. Smith,] who reported the bill, that that committee are by no means anxious for the passage of the bill, but, on the contrary, it is evident that the committee doubted very much the expediency of passing the bill, even if they were not decidedly opposed to it. It will be very extraordinary if this House can consent to pass either of these bills in the face of the facts stated in that report.

The committee say, they cannot "but yield, in a measure, to the apprehension that there is a real necessity for hesitation, if not of actual reform, in the further prosecution of public works upon the same system which has of late years obtained under the Government. The commentary upon it, which is furnished in the naked history of nearly every work brought before your committee for additional appropriations, characterizes this system as expensive, yet feeble; flattering, and yet uncertain in all its operations and results, unless it be viewed only with reference to its fitness to the purposes, to the individual wealth and profit, of the agents and contractors immediately concerned. To test the justness of this remark, reference is made to the connected history of these several works, extracted from the annual reports of the engineer department, and appended to this report. The same reference will demonstrate that in none of these works has the original estimate of cost, or of the probable effects of each expenditure, been verified by experience; but, on the contrary, in most of them a very wide result from the original estimates has already been exhibited, and without furnishing a certain accomplishment of the object desired in a single case. In many of these works, moreover, the appropriations already made and expended have not been confined within an excess of one hundred per cent. above the original estimate of their cost, respectively. [It is printed "fifty per cent." in the document, but Mr. Smith says it ought to be one hundred.] In some of them the appropriations now asked, in order to continue them in progress through only a single coming year, actually exceeds the aggregate original estimate of the cost of their entire construction, and this notwithstanding a series of annual appropriations have heretofore been made for them, also far exceeding in amount such original estimate. To add to our wonder, in neither class of the last-described works is there any good degree of certainty held out to Congress that such additional expenditures, enormous as they are becoming, will secure a successful termination of the enterprise."

However much we may wonder that the committee could have been prevailed upon to report a bill to continue works thus described, it will be still more extraordinary, if, with such facts staring us in the face, presented to us by our own committee, we can pass a bill appropriating nearly a million of dollars to works on which so much has already been expended, and of which we have no hope of a successful termination at any time; but, on the contrary, the appropriations required for which become larger and larger the longer they get on. How forcibly does the report illustrate the truth of the remark of the gentleman from Tennessee [Mr. Bell] on yesterday, that this kind of legislation was "a bottomless pit of expenditure!" More than that, it is a pit into which the stream of public appropriation is flowing in a stream of perpetually increasing force and volume.

Let us examine this report a little further, to see the character of these works, and what encouragement we have to go on, either with the old works, or to begin new ones. After speaking of the miscalculations as to the times these works were to take to be completed, and the overthrow of the original plans in many cases, the report proceeds: "In some cases the effect of these miscalculations has been a total abandonment of the original plan for some untried substitute, as in the report of the works at Cunningham creek in 1828, and of Red river in 1832, and of Marcus Hook, &c. in 1834: in others a greater depth of water than was anticipated or consistent with the permanency of the work, requiring in consequence a filling up, with new materials, of the excavations caused by the earlier expenditures of labor and money, as in the report on the works at Presque Isle in 1827, and in fact that on the works at Grand river in 1833; in other instances, new and unexpected channels, endangering the whole improvement, as in the case of Presque Isle, have been caused, or new deposites of sand, threatening to destroy all the natural advantages with which the plan of promised improvements was blessed before the work of alleged improvement was commenced," &c. &c.

What an encouraging account here is to go on with our improvements, and begin new ones! In some cases, the whole money wasted and thrown away, and the whole plan abandoned; in others, a sort of weaving of Penelope's web—filling up this year what had been dug out the year before; in others, the effect of our miscalled improvement, causing new obstructions and sandbars, to the serious detriment of those interested in the navigation, which we have destroyed, in our feeble and injudicious efforts to improve.

I conclude by moving to strike out the enacting clause of the bill.

REDUCTION OF DUTIES, &c.

Mr. McKAY moved the suspension of the rules for the purpose of enabling him to offer the following resolutions; which were read:

Resolved, That the power of taking money from the people, by laying and collecting duties, imposts, and excises, is one of the most sacred of the trusts vested in the General Government; that it is enforced solely to enable it to command the necessary means to execute the objects for which it was instituted, and that to exact money from the people when not necessary for those objects, or more than may be necessary, would be, on the part of the Government, a manifest breach of trust, and to the people unjust and oppressive.

Resolved, That the revenue receivable under the present laws is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new States, or impairing the interests of the General Government; and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Government.

Mr. MANN, of New York, called for the yeas and nays on the motion, and they were ordered.

Mr. McKAY moved a call of the House, in order that the House might at once express their sentiments on the subject, and not be troubled any more with it; and upon this motion he asked the yeas and nays, which were ordered.

The question being taken, the motion for a call of the House was agreed to: Yeas 105, nays 74.

After some time, on motion of Mr. **HIESTER**, all further proceeding in the call was dispensed with.

The question was taken on the motion to suspend the rules, and decided in the negative: Yeas 124, nays 66—not quite two thirds.

Mr. **McKAY** gave notice that, on Monday morning, he would offer the same motion, and he hoped that there would then be a full House.

IMPROVEMENT OF HARBORS.

The House, in pursuance of the special order, resolved itself into a Committee of the Whole, (Mr. Lincoln in the chair,) for the further consideration of the bill making appropriations for certain harbors for the year 1836.

Mr. **LANE** deprecated the delay which would be caused by a long political discussion upon all the exciting topics of the last ten years. He hoped the bill itself would be acted upon; and if such was the wish of the House, he would waive his right to the floor; though, if such a discussion should take place, he should like to reply to the remarks of the gentleman from Tennessee, [Mr. Bell.]

Mr. **VINTON** proposed an amendment for the improvement of the Maumee river.

Mr. **CRANE**, after some remarks, called for the reading of some papers recommending the appropriation, and then proceeded to argue in its behalf.

Some remarks were made upon the proposed amendment by Messrs. **CHAMBERS, VANDERPOEL**, and **SUTHERLAND**.

Mr. **MERCER** objected to the bill that it contained items of appropriation upon subjects not within the scope of the Committee on Commerce, and which had been referred to the Committee on Roads and Canals. He said such a practice would lead to very loose legislation. It was the duty of the Committee on Roads and Canals to survey the whole country, to understand the wants of the whole, and to see that the public funds were fairly apportioned.

As an instance, he referred to the clause appropriating $150,000 for deepening the mouth of the Mississippi, by stopping some of the outlets, or constructing a ship channel, or by such other means as the Secretary of War may direct. He said no information was given whether such a scheme was practicable, no survey had been made of the depth of water in the Gulf of Mexico, nor was any estimate made of the probable cost of the improvement. He said the Committee on Roads and Canals had already reported in favor of an appropriation of $13,000 for improvements on the Mississippi, founded on the survey and report of a competent engineer, and he was willing to go for any amount gentlemen might name for the improvement of the Mississippi, provided he could be assured that the money would be profitably expended. He also pointed out other parts of the bill embracing subjects not within the action of the Committee on Commerce, by the rules of the House, such as the Overslaugh in the Hudson river, and all the surveys of rivers provided for in the bill. He said he did not wish to oppose the bill, for he was in favor of many of its objects, but he wished to insure safe and correct legislation. He wanted to have a number of the appropriations stricken out, and others combined with the bill. He hoped the proposed appropriation for the Maumee river would be made, for that river had already been considered a public work, and expenditures had been made for its improvement. At a proper time, he said, he should offer some amendments.

Mr. **GALBRAITH** moved to amend Mr. Vinton's amendment by making an appropriation for the improvement of the Allegany river above Pittsburg.

Mr. **HAWES** stated that the port of entry at Maumee bay had yielded, in 1832, the gross revenue of $12.50, and had cost the Government over $700 for the salaries of the costom-house officers. Yet, he said, the House was now called upon to pay $51,000 for the improvement of that bay.

Mr. **WHITTLESEY**, of Ohio, said the gentleman from Kentucky was grossly deceived in relation to the business of that port, or he had attempted to palm off a gross imposition upon the committee; and he went on to show that a vast proportion of the commerce of the West with New York and the seaboard found its way to Buffalo and the lakes, and rendered these collection districts necessary. The business at these ports was great and increasing, and did not depend upon a foreign or Canadian commerce, upon which revenue could be collected; still the ports were no less useful and necessary.

Mr. **SUTHERLAND** begged gentlemen of the committee not to press each particular improvement of a river for which an interest might be felt. The bill had been complained of as already too large; and if gentlemen went on to introduce appropriations for every river in the country, the whole would be lost. He hoped the bill would be allowed to pass as it was, and that the consideration of other rivers would be taken up in their turn.

Evening Session.

The committee again took up the bill making appropriations for the improvement of certain harbors therein named for the year 1836.

The question pending was the amendment of Mr. Vinton, for the improvement of the Maumee river, $51,000, and Mr. Galbraith's amendment to the amendment, for the improvement of the Allegany river from Pittsburg to the New York State line, $50,000.

Mr. **PATTON** moved to strike out the enacting clause of the bill.

Mr. **GILLET** said it was with unfeigned reluctance that he rose, at this period of the session, to participate in debate; and he would not now do so, did he not fully believe that his duty to himself, and some of his friends, rendered the obligation imperative upon him. He considered it due to himself to defend measures of high moment, which he had aided in bringing before the House; and also to repel the charges which had been made against the committee of which he was a member. He also deemed it his duty to defend his friends, and particularly those whose position precluded them from replying in proper person, here or elsewhere. He could assure the committee that he would not occupy one moment of their attention beyond what was necessary for these objects.

If I understand the question, (said Mr. G.,) it is on a motion made by the gentleman from Virginia [Mr. Patton] to strike from this bill its enacting clause. Should this motion prevail, and be concurred in by the House, it will defeat the whole bill. This is the object of the motion. If I rightly understand the rules of the House, this motion opens the whole merits of the bill. Incidentally the policy of raising revenue, and the best method of disposing of it when raised, whether for such or other objects, may also be discussed. When we are considering the question of constructing light-houses and harbors, for aiding our commerce, and protecting the lives of our fellow-citizens, we may also very properly examine the question, whether, under the forms of the constitution, a better and more politic disposition can be made of our revenue. If such a discussion could be carried on for the sole purpose of arriving at the true national policy, uninfluenced by expected partisan results, we might fairly expect that beneficial consequences would flow from it. But when the interests of political aspirants are interwoven with, and their prospects likely to be influenced by, the result, we may well fear that much of the light shed on the subject proceeds from the torch of interest and ambition, instead of the lamp of truth and safety. Immediate results being more prominent, are more likely to influence conclusions than remote consequences, though the latter may be of the most vital importance, affecting the stability of our institutions, and the future glory of our republic. When changes are proposed in our national policy, it is due to the subject, and to those we represent, to examine them closely; weigh the advantages and disadvantages, both present and future; and unless we are convinced, beyond a reasonable doubt, that the permanent interests of the country are to be benefited by their adoption, we should reject them. We are now pursuing a course of policy, on this subject, long since settled and acquiesced in by the country, which has proved beneficial to all, and injurious to none; and we are now invited suddenly to stop, and enter upon one entirely the reverse. We are solicited to abandon the wisdom of our fathers in applying a portion of our revenues to such national objects as lighting the path of the mariner, and preparing a haven for his safety, and to trust the lives and property of our fellow-citizens to the hazard of darkness and storms, to enter upon the uncertainty of untried experiment. It is not the items in this bill that are objected to, but the system of making such improvements. The friends of the administration, I believe, are very generally content to pursue the old path, which it is known leads to safety, prosperity, and happiness, while a portion, at least, of its opponents, with the gentleman from Tennessee [Mr. Bell] at their head, call upon us to abandon it for the dark one of doubtful experiment. The views of the President upon this subject are to be found in his message of December, 1830, in which he says:

"The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports, of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the constitution, and has been continued without interruption or dispute. As our foreign commerce increased and was extended into the interior of the country, by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sandbars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner."

"It is indisputable that whatever gives facility and security to navigation cheapens imports; and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay—otherwise they do not pay. The consumer in the most inland States derives the same advantage from every necessary and prudent expenditure for the facility and security of foreign commerce and navigation that he does who resides in a maritime town. Local expenditures have not of themselves a correspondent operation."

I concur in these views of the President.

At the opening of the discussion on this bill the gentleman from Tennessee made a motion like the present. What new advantage did he indicate, as likely to flow from the proposed change in our national policy? Did he tell us that the lives and wealth of our citizens, engaged in commerce, were to be better protected? Did he propose to tax the people less, as an equivalent for diminished improvement? He did not propose to reduce either the direct or indirect taxes, or in any way lighten the burdens now imposed in raising our revenue. That gentleman alluded to the deposite bill recently passed, and made it a prominent item of consideration, and informed us that it had been sustained by his vote. I understood him as referring to the thirteenth section of that bill, which provides a distribution of the federal treasure among the States, as therein provided, as one great cause for the proposed change in public policy, whereby such works as are provided for in the bill now under consideration are not to be made by the General Government. He seemed to consider that measure as disposing of the federal revenues, and placing them beyond the reach and use of the General Government for such purposes as these, if not for all purposes whatever. He told us how advantageously the several States could use this treasure, and appeared to treat that act as making a real distribution, instead of merely creating new depositories for the public money. That bill, I am free to say, received less discussion in this House than its merits deserved. Even now, its object and effect are matters about which we ourselves differ. Some say its object is solely to keep the public treasure for the use of the General Government, and that it will have this and no other effect; while others declare that its object is to distribute the revenues of the General Government among the States for their own use, and that such will be its undoubted effect. Gentlemen of high intelligence seemed to differ about its construction and effect. My friends differed in opinion on this subject. The President has repeatedly called our attention to the subject of the safe keeping of the public treasures, and I have no doubt that every one of his friends in this House felt a deep anxiety on that subject. In the last Congress a bill much like the present law, except the thirteenth section, passed this House, and a similar one has been reported this session. I have not heard a single friend of the administration object to passing a law to regulate the public deposites; all agreed to that measure, when stripped of this questionable attribute.

I can say for myself, that I am strongly opposed to accumulating immense masses of the public money in local banks. No one acquainted with my views on the subject of banks and the currency will for one moment believe that I desire the continuance of such a state of things. That bill makes two classes of depositories, the State banks and State treasuries. The first had been voted for by nearly all, and therefore cannot be called, by those who thus voted, either unsafe or inconvenient. Such a vote clearly implies the necessity and propriety of such agents. No one, I believe, in this House opposed that part of the bill on any ground. Those who contended for the necessity of rechartering the United States Bank, as a safe and convenient agent of the Treasury Department, cannot now well contend that State banks, while they promptly perform a like agency, are not proper fiscal agents of that Department. If they are safe and convenient agents, why, when we are establishing and adopting them, should we make other agents, who are not required or expected to aid either in collecting or disbursing the public money? Why create an agent over whom you can exercise no control, and who is not amenable for violating any law you may pass? Why make one class of agents pay interest, and not the other; and why take all but five millions from your agents who pay interest, and give it to those who do not? Why place the appropriations, even those for your Indian wars, in hands from which you cannot draw them for years? If these new agents use these funds, as many say they will, under the law, to make railroads, &c., and these wars continue, or others come upon us, and require all our means, how are they to refund, or we to get along without them? If this measure is truly a deposite of the public money, I am at a loss to know what necessity there is for two sets of agents, and why such an extraordinary preference is given to the one not paying interest; and why the appropriations are taken from the only class which can disburse them, and given to the one which cannot. If the State banks are unsafe agents, why use them at all—why leave the moneys with them until next year, before they are withdrawn? I should further like to know why the provision taking these moneys from the old depositories, and giving them to the new, is not made permanent, as well as that part which leaves a part now with the State banks, and all of it after next year. If there is a great necessity for these new depositories, it seems to me the law ought to be permanent for retaining them in the service of the General Government, as well as the one under which the State banks are employed. If this law is a mere matter of deposite, as is contended by some, then it confers little or no benefit upon the States, but merely makes them the agents or servants of the General Government, for a particular purpose, and for a limited period. If this is so, then I cannot understand how it can fairly be made the foundation of such a radical change as that proposed by the gentleman from Tennessee, [Mr. Bell,] in relation to light-houses and harbors. If this is the true construction of that measure, the policy of the Government is not changed, and the States are not to use this money, and it is not placed beyond our control any more than it is with the other agents. Admit this, and I can see no reason why the States should desire this agency. It is not returning to the people what has been drawn from them in taxes. Depositing money with an agent is not giving him the money. If you collect money from sixteen millions of persons, and employ a few of them as your agents to keep it, you do not return it to those from whom you collected it. Many dollars of this money are drawn indirectly from the pockets of my constituents; and if that money is placed in the hands of the treasurer at Albany merely as a depositary, to be called for at the pleasure of this Government, I cannot understand how it is to find its way back to their pockets. I cannot understand in what possible way such a measure would return this money to their pockets. If it could reach them, then I should esteem it safe, and in a proper place. It would be the next best thing to never having taken it from them, with all the vast expense of collection. As a measure of deposite, I cannot see that my constituents would derive from this measure one particle of benefit.

On the other hand, is it really a distribution bill? Does it give the revenues of the General Government to the State Governments? Are they to use, and not return it? I have never heard from any gentleman, in either end of this Capitol, an argument to prove that Congress had power to do so, except with the revenues derived from the sale of public land. This was expressly disavowed by many in the Senate. So far from believing that Congress has this power, a distinguished Senator from South Carolina [Mr. Calhoun] deemed it necessary to amend the constitution to accomplish that object. His resolution is in these words:

"Resolution proposing an amendment to the constitution of the United States, providing for a distribution of the surplus revenues among the several States and Territories, until the year eighteen hundred and forty-three.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* That the following amendment to the constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three fourths of said Legislatures, shall be valid to all intents and purposes, as part of the constitution; that the money remaining in the Treasury at the end of each year till the first of January, eighteen hundred and forty-three, after deducting therefrom the sum of ——— dollars, shall be annually distributed among the several States and Territories, including the District of Columbia; and that, for this purpose, the sum to be annually distributed shall be divided into a number of shares, equal to the number of Senators and Representatives in Congress for the time being, with the addition of two for each Territory, and two for the District of Columbia; and there shall be allotted to each State a number of shares equal to the number of Senators and Representatives to which it is at the time entitled in Congress; and to the Territories, including the District of Columbia, two shares each."

Certainly that gentleman could not believe it constitutional to distribute under our present constitution. No man has pointed out, or attempted to do so, the clause in our present constitution which confers such authority. Congress has no power, except what it derives under the constitution; and if this power is not there, then it does not exist. I then ask, where is the power which authorizes Congress to give away, or distribute, the money raised for the purposes enumerated in the constitution? Sir, no such power exists in this Government. Allow me to refer to an authority which no republican will dispute, being entitled to high consideration on constitutional and political questions. Mr. Jefferson, in his message to Congress in December, 1806, speaking of the revenues derived from the customs and public lands, and the proper disposition of them, said:

"When both of these branches of revenue shall in this way be relinquished, there will still, ere long, be an accumulation of moneys in the Treasury, beyond the instalments of public debt which we are permitted, by contract, to pay. They cannot, then, without a modification, assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues, the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance, and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations, new channels of communication will be opened between the States; the lines of separation will disappear; their interest will be identified, and their union be cemented by new and indissoluble ties. Education is here placed among the articles of public care; not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal, but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

"The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed and other arrangements made for their extension, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied."

Is there any doubt of the correctness of Mr. Jefferson's position, that the objects are not among the powers enumerated in the constitution? I am sustained by his opinion, that we have no right to distribute the national treasure under the present constitution. I think that question conclusively and irrevocably settled.

But if we have the authority to give, why not do so in a frank, manly, and undisguised manner? Why not take the surplus, if there is a real one, and make the gift by name? If Congress is invested with that power in any shape, it has the power to do so in terms. It may make a gift, donation, or distribution, by name. If the power really exists, the genius and spirit of our institutions, and candor, and good faith, require, if we divide, to do so openly and distinctly, so that our action may be presented to our constituents in its true light. If we have not the power, then our duty to the constitution, to them, and to ourselves, require that we should not attempt it by any indirection, under any disguise in name or form. I know of no reason why an American Congress should resort to indirection to do what the constitution and duty require it to do directly and openly.

But it may be said that Congress cannot give, because the constitution does not permit it; and that the money must be kept where it can be called for to meet any emergency. If this is so, and it is in fact to be returned, I again ask, how are the people to be benefited? This would not be returning to them their own money, as we have been told was the object. If it is the people's own money returned to them, then the General Government has no right hereafter to call for it. On the contrary, if it is the money of the Government, then it cannot be returned to the people's pockets for their own use. It would be of little advantage to them to receive it, and be liable to have it called for on any day, at the will of others. It is entirely impracticable to restore this money to the pockets of the people, from which it has been drawn by indirect taxation. They never can receive it directly. But if it were possible to accomplish such a purpose, it would not do away the constitutional objection. The want of constitutional power is a full answer to the whole scheme of distribution. I then submit whether a due regard for the constitution and our constituents does not require of us an application to the true source of power for a constitutional extension of legislative authority, according to the suggestion of Mr. Jefferson, authorizing it, before we attempt a division of the revenues of the General Government among the States? And allow me to suggest, if this power is ever to be conferred, that, as far as practicable, except in cases of war, Congress should have the least possible control over the amount of the dividends, by giving a certain per cent. of the revenues, or a certain gross sum; and their use by the States should be confined to the purposes of education, and such other specific objects as shall equally benefit all, lest we realize those difficulties which I shall hereafter suggest. Still this measure is commented upon, and conclusions drawn from it, as if it were really a distribution. We are advised of the great advantages that are to flow from the distribution. I think I have shown that, if it is a distribution, the measure is unconstitutional; and if it is not a distribution, that then it is not returning to the people their own money, or benefiting them at all. What, then, is this measure? This is an important question, which has produced different answers. I believe there is not a friend of the administration who will not repudiate the idea of sustaining it as a distribution. I do not know the man among them who would not pronounce it unconstitutional. Those who voted for it, so far as I know their views, considered it a mere deposite measure. As such, I have shown that what relates to the new depositories is valueless to the people. But among the various opinions which are entertained of this measure, there were those who viewed it as an indirect distribution, and as much a violation of the constitution as if it were a direct and open distribution. Those who originated it treated it as a distribution in its consequences. The consequences which they enumerated were such as could not result from a deposite; they could only flow from a distribution; from a free gift of the money, not to be returned. Those friends of the administration who considered it a distribution in fact, voted against it, in obedience to their sense of duty under the constitution. They believed it not less a distribution, for its being covered with the deposite mantle; no less a violation of the constitution, because the word "deposite" occupies the place of "distribute," in the structure of the section. They feared that the consequences would be injurious to the best interests of the country. Many thought they foresaw an increase of indirect taxation, to swell up a fund for distribution. If it was not a gift, they doubted the propriety of each of the independent States becoming debtors to the General Government, liable to be called upon at the pleasure of the creditor. It was apprehended it would weaken the independence of the States, without producing a corresponding benefit to the General Government or the people. They feared that it might lead to extravagant and often useless expenditures, on the part of the State Governments; that they might conform, in an evil hour, to the will of the Federal Government, to avoid paying old debts; and that they might become prostrate, and dependent on the great central power for means to sustain their institutions. They feared that, in the words of the old adage, the debtor would become the slave of the creditor; they feared that the State dividends might be seized by knots of politicians in the different States, and used, not for the benefit of all, but to build up private fortunes, or perpetuate political power; that they might be used "to make the rich richer and the poor poorer;" that it might sever the link of accountability which now binds the political agents of the State Governments to their constituents. They feared that, under pretence of public good, projects might be set on foot, and works be commenced, which might result in little except the aggrandizement of the sagacious or influential speculator; that in time a sovereign State might not dare to enter upon a noble enterprise, for the benefit of her citizens, without sacrificing to political deities, and consulting the Treasury oracles. They feared that, instead of devoting our federal revenues to the objects pointed out in the constitution, the defences of the country, they might be diverted to objects of less national character. They feared that our navy might cease to be an admired and cherished object; that our fortifications might crumble into ruins, and our harbors and rivers might remain choked up and obstructed, to the hazard of our ships of war and the prejudice of commerce. They feared that our militia might not be armed, equipped, and disciplined, by the General Government, as they ought, to relieve them from unnecessary burdens, and to insure quiet and protection. They feared that the arm of public defence might be palsied by withholding appropriations for that purpose; that commerce might be left to perish on the hidden shoals of the ocean, or dashed to ruin on the unlighted shore. I voted with these, and participated in their views. I may have been mistaken in my views and fears. If so, it is an error of the head, and not of the heart. Time will test the whole. I may have looked with too great apprehension upon the future. A proper degree of solicitude, however, on such a subject, is not among the unpardonable offences.

It has been asked, with an air of triumph, if it were really feared that Congress and the State Legislatures would not promptly perform all their duties. I will answer by asking other questions. Did the Senate of Massachusetts, when it resolved, during the last war, that it was unbecoming a moral and religious people to rejoice at our victories, perform its duty? Would gentlemen be willing to rely upon the action of such a body for the money necessary to prosecute a war? Were there not other legislative bodies that exerted all their efforts to oppose the last war, and cripple Mr. Madison's administration? Do gentlemen believe that, if money, the sinews of war, had then depended upon the vote of Massachusetts, we could have procured it to defend the country? In what State, where the federalists were in power, did the General Government receive prompt and efficient aid? Now, as to Congress. I ask, did Congress perform its duty, in passing the alien and sedition laws? Who will, here or elsewhere, defend those measures? Will any friend of the administration say it did so, when it passed the bill to recharter the United States Bank, Mr. Clay's land bill, and the Maysville road bill? Will the gentleman from Tennessee say the Senate was doing its duty in trying and condemning the President in 1834, without the authority of law? Will any one say that it was performing its duty, when members here resisted appropriations for the last war? The people have passed judgment in these cases, and the history of the times tells us what the answer is. Sir, we have been told on this floor, when considering an appropriation to repress Indian hostilities, that if we were not more economical and rigid in our appropriations, we should have nothing left to divide. Those who were opposed to the Government during the last war may hereafter have it in their power to control the destinies of this nation, and we may have as little to approve of in their acts as we had in their gag-law and their war patriotism. My fears as to the fate of the bills in aid of commerce are about to be realized. The harbor bill is attempted to be defeated, to aid in the work of distribution.* The gentleman from Tennessee has raised his powerful arm against works of improvement by the General Government; works which vitally affect the lives and fortunes of a large number of our fellow-citizens.

I ask, are all such improvements to be abandoned? If such changes follow that measure, it will present itself in a new and interesting light. If the arm of this Government is to be rendered nerveless as to breakwaters and harbors, may it not become equally so as to light-houses, forts, and other national objects? I have not heard the gentleman from Tennessee allege that the items in this bill were not such as, under the constitution, are proper objects of the fostering hand of the General Government. The question is narrowed down to one of mere expediency. Shall we, under the new state of things, engage in these improvements or not? The argument used by that gentleman, it seems to me, will extend with undiminished force against all national works, designed to foster commerce and preserve the mariner. Why shall we change the tried and approved policy of the Government? Who seeks it? and for what purpose? Sir, we are pointed to the deposite bill as the cause for a change in policy, and it is sought for by the opponents of the administration, and for the purpose of increasing the amount to be distributed during the coming year. This is the great hinge on which the whole turns. While the friends of the administration desire to collect no more revenue than is required to pay the necessary expenses of Government, and make such works as are strictly of a national character, it is a favorite purpose of its opponents to pave the avenues to political distinction and power with gold from the National Treasury; to appeal to selfish, instead of patriotic considerations; nay, sir, I venture the prediction, that the party who refused to aid in raising means to defend the country in the last war, will now claim high consideration because they wish to divide the Treasury. Roman conquerors and demagogues divided first the grain from the public stores, then the lands, and then came the downfal. If you can divide the contents of the Treasury, why not divide the lands before sale, and give direct to each citizen his due proportion? Why not carry out the movement, and divide the whole property in the Union equally? The people may be deceived and misled for a day, but they will not long follow golden lights in the hands of demagogues. They only ask of Government good wholesome laws, protecting them in their lawful pursuits, punishing offenders—laws which shall confer equal advantages upon all; defend the ignorant and the feeble against the craft of the subtle and selfish, and the violence and oppression of the strong and powerful.

I hope, sir, that this House it not prepared to follow the lead of the gentleman from Tennessee. I am confident that a majority do not entertain his views on this subject, nor the one adverted to. If a radical change in our national policy is not to take place, then it becomes our duty to consider whether it is proper to undertake any or all the works enumerated in this bill. Those who are against all such improvements will, of course, vote for striking out the enacting clause, to defeat the whole bill. On the contrary, those who believe it the duty of this Government to carry on any one of those included in it, will vote against the motion. Subsequently such items can be stricken from it as may be considered as improperly included. I will not go into an argument to prove the utility of such works as those included in this bill. All must concede their importance. Unless we foster and protect commerce, that bountiful source of revenue must dry up and disappoint us. I am desirous of correcting what seems to be an erroneous impression of some in relation to a portion of these works. I refer to those on the lakes. They have been spoken of in terms of disparagement, and as not being within the avenues of commerce, or the sphere of naval operations. Those who entertain these views follow false lights. The history of the last war will shed some light on this subject. Three of these lakes were then skirted by settlements, and two of them will ever be remembered as the theatre of the achievements of Perry and McDonough. The victories of Erie and Champlain will never be forgotten while valor is cherished by our citizens. The Ontario fleet was not unimportant; and at the close of the war your navy yard at Sackett's harbor showed two ships of the largest class on the stocks, while several smaller ones were afloat. One, if not both, of the former, are still owned and preserved by the Government. There are now five of these inland seas studded with cities, villages, and settlements, rivalling those on the Atlantic; each of them important to present commercial and future naval operations. Our next war for "free trade and sailors' rights" may be on those lakes. An enemy will find more there to destroy than in 1812. Commerce has sprung up on them, and these lakes are now covered with steamboats and vessels, freighted with thousands of our citizens and millions of our commerce. The want of searoom and natural harbors renders the navigation of the lakes hazardous, and hence it becomes a matter of strict duty to light the coast and construct artificial harbors. Shall we refuse this, when the Government has more money than it can use for other purposes--when there is a surplus? Thousands of people leave Buffalo every day for the West, to settle on the public lands; vast numbers leave other places. Boats are crowded with men, women, and children, and their very numbers increase their perils in case of danger. Patriotism and duty point to them as objects of national protection. These lakes, at this time, require more of the attention of this Government than the Atlantic, which has long felt its fostering care. The wilderness on the lakes has disappeared, and given place to cultivation and thrift, that will not suffer by comparison with any part of the Union. The region which was borne down and buried in distress and poverty in a war growing out of commercial operations on the Atlantic, is now the abode of health and plenty; and I ask you to cherish its interests in the same liberal spirit that you do the older regions. Let the benign influences of this Government fall equally upon all, as far as a strict adherence to the constitution will permit.

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* The harbor bill for the continuation of old works, which passed the House, was much reduced in the Senate, as was also the new harbor bill. The light-house bill was entirely defeated there.

The commerce on the Atlantic now has not only all that is asked for the lakes, but we float a navy at the cost of annual millions to protect it. Every hundred millions of that commerce costs this Government several to guard and protect it abroad, as well as at home. Shall we, then, grudge a small pittance for the home protection of that on our own inland seas? I hope not. This would not be liberal or just, or worthy of the American character. I think I have shown these improvements to be within the constitutional power of Congress; that they are so received by the executive branch of this Government, and have received the sanction of every Congress for many years. That these works are necessary is admitted by all. I then appeal to this House to provide for them before we dispose of a surplus, which can only exist, as the word implies, after all necessary constitutional works are fully provided for. When all is done that ought to be done for all national purposes, if a real surplus is found to exist, the people, whose interests alone are affected by it, will decide whether the taxes shall be reduced to the necessities of the Government, or whether the constitution shall be altered, so as to raise money for distribution. Until then let us continue our public works with a spirit worthy of Americans.

Mr. Chairman, I should here have concluded my remarks, but for the extraordinary attack of the gentleman from Tennessee [Mr. BELL] on two of the committees of this House—the Committee of Ways and Means and Committee on Commerce—and, through them, upon the presiding officer of this House. I am a member of the latter committee, and feel it my duty to repel the charge so distinctly and confidently made. That gentleman distinctly and confidently stated that these two committees "were organized on the principle of extravagance;" but added, however, "that it was not the fault of the members composing these committees, or their constituents, that they were thus organized." This is but a feeble attempt to blunt the edge of the charge of extravagance made against the members of these committees, but it serves to give direction and point to the charge made against the Speaker, who appointed them. The charge proclaims wrong somewhere; and if it does not rest with the members of the committees, nor their constituents, it must of necessity rest upon the Speaker. In order to sustain his imputation against the Speaker for censurable appointments, he must first fasten the charge of extravagance upon the individual members of these committees. In proof of the truth of his assertion, he took up a list of the committees, and read most, if not all, of the names of those of the Ways and Means, and commented separately on them, and attempted to prove, from their location alone, that they were liable to his charge of extravagance in public expenditures. He abandoned his undertaking before he finished the first committee, and despatched the other (in a lump) by bold assertion alone. I have an answer to most of the gentleman's charge, which, being a matter of record in this House, cannot be the subject of dispute or cavil. At the last session, that gentleman was Speaker, and appointed the committees. Here is a list of these two committees, as then and now appointed:

COMMITTEE OF WAYS AND MEANS.

Appointed by Mr. Bell.	*Appointed by Mr. Polk.*
Polk, Tennessee, chairman.	Johnson, Tennessee.
Wilde, Georgia.	Owens, Georgia.
Cambreleng, N. Y.	Cambreleng, N. Y., ch'n.
McKim, Maryland.	McKim, Maryland.
Binney, Pennylvania.	Ingersoll, Pennsylvania.
Loyall, Virginia.	Loyall, Virginia.
McKinley, Alabama.	Lawrence, Mass.
Hubbard, N. H.	Smith, Maine.
Corwin, Ohio.	Corwin, Ohio.

It is known to us all, that but five of the former committee are now members of this House. The late chairman is now Speaker. The other four are retained on this committee, where the late Speaker placed them. To supply his own place, so far as location is concerned, the present Speaker selected his own colleague, [Mr. CAVE JOHNSON,] whom the gentleman placed, at the last session, at the head of a very important committee. Every member of this House knows that he is one of the most thorough opponents to extravagance in it. He is a rigid economist with the public money, and his voice and his vote are always against profuse expenditures. I always consider him a safe guide when he goes for a public expenditure. If there is a thorough radical in this House, he is one. In place of Mr. Binney we have Mr. Ingersoll, his successor, and in place of Mr. Wilde, Mr. Owens, from the same State. I believe the honorable gentleman will be troubled to prove them more extravagant than their predecessors, who were of his own selecting. I believe he did not continue his charge when he reached their names. The next change is placing Mr. Smith in place of Mr. Hubbard, who is now in the Senate. So far from making a charge of extravagance against him, he spoke of that gentleman's report on harbors, and paid his economy a compliment. The only remaining change is that of Mr. Lawrence in place of Mr. McKinley. Mr. Lawrence comes from the same district formerly represented by Mr. Gorham, who occupied the same place on the committee. I am not aware that he is particularly liable to this charge of extravagance. He is, however, a political associate of the honorable gentleman, and I leave them to settle the matter between them.

Here is a list of the former and present Committee on Commerce:

Appointed by Mr. Bell.	*Appointed by Mr. Polk.*
Sutherland, Pa., chairman,	Sutherland, Pa., chairman.
Harper, N. H.	Cushman, N. H.
Pinckney, S. C.	Pinckney, S. C.
Heath, Md.	Ingham, Ct.
Pearce, R. I.	Pearce, R. I.
Gillet, N. Y.	Gillet, N. Y.
Phillips, Mass.	Phillips, Mass.
Johnson, La.	Johnson, La.
Morgan, N. Y.	McKeon, N. Y.

From this it will be seen that six out of nine (all that are now members) are precisely the same persons appointed by the gentleman himself. The changes are, Mr. Cushman in place of Mr. Harper, from the same State; and Mr. McKeon in place of Mr. Morgan, from the same district; and Mr. Ingham, from Saybrook, Connecticut, instead of Mr. Heath, of Baltimore. Messrs. Cushman, Ingham, and McKeon, will not suffer by a comparison with their predecessors on the committee, who were honorable men. The warm effort of Mr. Heath to procure a large subscription to the stock of the railroad from Baltimore to Washington cannot have been forgotten by many present. I will add, as it relates to myself, that there is not even an application from my district for an appropriation for any public purpose. There is not a man in my district, to my knowledge, who is interested in any Western land speculation. I will now ask, with what propriety does the honorable gentleman charge that this committee was formed on the principle of extravagance? The present Speaker had his own authority for appointing two thirds of them, and for the location, which seems to be his principal proof, of all except one. The gentleman shrunk from the task of pointing out, on this committee, the names of those who, from location or other cause, were tainted with extravagance. Sir, the charge is unfounded, both as it relates to the members of the committee and the Speaker. That gentleman needs some proof besides location and naked assertion, to sustain his charge against either. He will find the votes of the members of the present committees are as free from censure as those of persons differently located, and as free as those who were appointed by him. A proper sense of what is due to the members of this House, and the country, ought to have induced him to have withheld his charge until he could have sustained it by better evidence.

But, sir, these committees were not, in my judgment, the principal objects of attack. He could have had but little object in dealing blows at them. To him it is far more important, and it is more consonant with the drift of his labors during this session, to make the Speaker's seat an uneasy one—to make it totter under him. His rival occupies that station, which is the highest in this House, and one of the most honorable in the nation. He failed to unite with the honorable gentleman in the celebrated caucus at the last session. He stood, in 1834, almost the sole champion of the President from Tennessee. He resisted, with all the force of strong argument, the multiplied attacks on the President for removing the deposites. He is now his fast friend. He has been elected Speaker by the votes of the friends of the administration; by the votes of those who then sustained the President, and who now sustain him. The honorable gentleman, though almost the sole opposing candidate, failed of success. I leave him to tell by the votes of what party he was sustained. If the national republicans, nullifiers, and abolitionists, had any candidate but himself, he can name him. If, in 1834, or since, he has uttered a word in defence of the Hero of New Orleans, he will confer an obligation by pointing it out. This session, the journals will show how often the honorable gentleman has followed the lead of the gentleman from Massachusetts, [Mr. ADAMS,] and voted with the special friends of Messrs. Clay and Calhoun and the abolitionists, and in opposition to the friends of the President. When a member of the party with which he is acting, in the last Congress, called his constituent (the President) a toothless tyrant, I ask, did he raise his voice to resent it? Did he hurl back the slander, as honorable gentlemen usually do, when their constituents are attacked? If he did, I did not hear it. It is the present Speaker who repelled all such attacks. Unless defending the President, and declining to attend the caucus, are crimes, I know not what offence the Speaker has been guilty of, that he should be hunted down by his colleague. If, before he refused to attend that caucus, he was known to the ex-Speaker to have been of such doubtful integrity as his present charge implies, how did he reconcile it with the dictates of duty to appoint him chairman of the Committee of Ways and Means, the most prominent place he could assign him in the organization of the House? Spectators view the honorable gentleman's course, at this session, as designed to hurl his successful rival from the chair, and prostrate him in disgrace. How was this to be done? Not by open and bold attack at the commencement, which could be repelled, but by the subtilty of indirection. What has been his course this session towards his colleague, who must occupy the chair in silence? At the very outset of this session, while smarting under the sting of defeat, he began his complaints about the rules of order; they were wrong. He would not say that the present incumbent did actually abuse his power under them, but he might do so; they were liable to great abuse; the freedom of speech and of the people depended upon taking away the vast and frightful power collected in the hands of the Speaker. Yes, sir, as soon as his rival became the expounder of these rules, which have been in use for years, he desires them altered. But while he was in the chair, the Speaker's power under them excited no terror, no alarm, in his bosom. The power was safe in his hands, when he was applying the rules to his rival and others; but when taken from him, and given to another, this hall echoes with the notes of his fears. Years have rolled by without an effort, so far as I can learn, on his part, to limit this dreaded power. Now, its safety is doubted in the hands of one whom the majority preferred over him for Speaker. The generosity and nobleness of all this I will not now comment upon. I will here remark, that those who have abandoned the Chief Magistrate, and joined the standard of his enemies, usually remove the mask by degrees. They usually commence by throwing out insinuations, and end in the use of assertion. The effort is first to induce a belief that there is something wrong in the President known to them; next, that he is changing; then changed; and all ends in pronouncing him entirely unworthy of support. They never commence boldly, and admit their own change, but slip off by degrees, like deserters. The public mind must first be prepared by insinuation and suspicion, before it will believe a charge not fully sustained by proof.

Sir, if the people could be led to doubt whether the rules were fairly applied and properly executed, they might then the more readily believe the charge that they actually had not been. Settle this belief firmly, and then they would the more readily believe the allegation that the committees were appointed on the principle of extravagance. Without these preliminary steps, this charge would find few believers. What is here mere insinuation in these things, swelling with the distance it travels, when it reaches Tennessee, becomes matter of positive allegation and belief.

Sir, I know the presiding officer of this House well. I have for three years been a witness to his manly and honorable course in defence of the administration, the constitution, and rights of the people; and until the honorable gentleman opened his batteries upon him, I never heard even an insinuation breathed against him. Even his political opponents bear testimony to his capacity, honesty, and impartiality. The honorable testimony of Mr. Banks, on resigning his seat here, to this effect, is a matter of record on the files of the House. The witnesses of his liberality, ability, firmness, and honesty, are on every side of me. I can hardly imagine that any thing short of deep-rooted personal hostility could induce any man, an observer of his acts, to charge him with official misconduct, either in executing the rules and orders of the House, or in the formation of the committees. If record evidence is needed as to the correctness and propriety of his decisions, we have it in the strong and decisive vote by which his decisions are uniformly sustained. The names of his political opponents, as well as his friends, are found sustaining these decisions. At this session thirty-three appeals have been taken. Three of them were laid on the table, which is equivalent to sustaining him; nine of them were withdrawn by those who appealed; twenty affirmed, and but one reversed. In the latter case, he gave a more liberal construction to a new order than the House decided it was its intention it should bear. In this decision the Speaker was sustained by the voice and vote of the honorable gentleman. Certainly he cannot complain of that decision. If the Speaker's decisions had not been characterized by sound judgment and great fairness, he never would have been so triumphantly sustained.

The honorable gentleman makes another charge, which, in its consequences, is calculated to injure the Speaker. He says, at this session there has been great disorder in the House. This seems intended to convey the idea that he is not competent to preserve order. This is not a reproach upon his honesty, but a disparagement of his capacity, and is calculated to have effect out of this House. It seems to be designed to have the order of this session contrasted with the past. I must confess that this effort of the ex-Speaker to show his successor to disadvantage, by comparison with himself, is an interesting specimen of modesty. That there has been disorder in the House, I do not deny; but I deny that it is the fault of the presiding officer. That gentleman told us long since, that the minority were always restive and uneasy, and if they could not accomplish their objects orderly, they would do so disorderly; and that it was natural for those who were restrained to find fault. I leave others to say whether his is not a fair illustration of this last position. He knows full well that the disorders have proceeded mostly from those whom he described as restrained. When gentlemen were out of order, I should like to know how often he has voted them to be so, and to prevent their going on. I should be happy to learn that he had, even for once, endeavored to use his influence to check disorders. The commanding position of that gentleman would enable him to effect much in quieting those who were restrained, if he chose to do so. But the journals will show, that he had even moved to allow a member, decided to be out of order by a vote of the House, to proceed. I will not name those from whom the disorder proceeds, but this House and the country know who they are, and their relation to that gentleman. I hope he will now allow the Speaker a respite, and that he will turn his attention to those who have been the authors of the disorders complained of, and read them such a lesson as shall prevent like future occurrences.

The gentleman is sorely annoyed with the Globe and several other papers, and occasionally occupies the attention of the House with a chapter of griefs on their account. I know little of the merits of his controversies with them, and shall not attempt their defence while they are so able to defend themselves. It is not beyond probability that we should hear little on this score, if he was altogether victorious in his conflicts with them. It is not usually the victor who complains of his antagonist.

The gentleman has often complained, this session, of the rule of the House which authorizes the demand of the previous question. He and his friends have heaped showers of epithets upon it, calling it the engine of tyranny, gag-law, &c., until an old and valuable rule of the House is in danger of being considered highly exceptionable and improper. I will here take occasion to make a few remarks on the previous question. The constitution authorizes each House to make rules for the government of its own proceedings. This House long since adopted rules which are now in operation. These rules have in view the order and despatch of business. Among them is the rule giving the previous question, which terminates debate. I am informed that in the British Parliament no such rule exists, and the only way to stop debate is to cough down whoever attempts to speak against the will of a majority. Our rule is liable to fewer objections, and is better adapted to the promotion of order and good feeling. Without it, a small number may control the action of the House, and defeat all business. The country might look in vain for the transaction of public business, if a minority could defeat it by constant talking. The previous question is seldom called until the main question is understood. All parties, when in a majority, resort to its use. It is true it may be abused, as it was, in my judgment, by the present minority (then in the majority) in 1832, on the bank question. It is not the use, but the abuse of it, that can ever properly be objected to. Nearly every old member here, as the journals show, has voted for it. The bill to recharter the United States Bank, and Mr. Clay's land bill, passed this House by the use of the previous question, nearly every opponent of the administration voting for it. The gentleman from Tennessee has voted for this motion. The journals show that in one of the votes connected with the passage of the "bloody bill," as it is called, he voted for it. They also show that, on the celebrated resolutions concerning the removal of the public deposites, and the recharter of the United States Bank, in 1834, he voted for the previous question. The journal of this session shows him voting for that question on the pension bill, which was very little discussed. This motion is now often made by his own friends. It was demanded the other day by the gentleman from Alabama, [Mr. LEWIS,] who very pertinently remarked to his friends, that it was not their speeches, but their votes, that he wanted. If it is wrong to vote for this question, the gentleman and his associates are as guilty as others. If it is right, I really hope he will cease his complaints concerning it.

The gentleman complains that there has been no opportunity for political discussion this session. This is a strange complaint to come from that quarter. To give other members, all of whom have the same right to claim that he has, the same time at political discussion which he has taken on two bills this session, would require a session of about three years. On the 9th of February, when the navy appropriation bill came up, he moved to reduce the appropriations, I believe, one half, and opened a political discussion on it, which terminated the 7th of April. The gentleman then occupied the time of the House about four days. In the end, on a motion in the same words as his own, although sitting in the House, he was silent and did not vote for it. But six voted for that reduction. Why he made a motion that he did not vote for, I cannot say. If the motion was made with the view of having it prevail, I should have expected him to have voted for it; but if merely to allow him a chance at political discussion, which he actually enjoyed, then this complaint is groundless. When this bill came up, he made a motion to strike out the enacting clause, and followed up his motion by a six hours' speech, entirely political, relating to almost every thing but the question before the House, and at the end of it withdrew his motion. This is a practical commentary upon his complaints. The country will decide whether President-making is the business which they send us here to transact, to the neglect of all other business, and whether he has had a sufficient opportunity at it. The gentleman, though hard pressed for time for political discussion, has nevertheless found enough to enable him to visit New York, to study her institutions, and particularly her politics. His discoveries are important, and deserve to be recorded, to show his good will towards us. He has compared my fellow-citizens to the ruthless savages, who, by deeds of blood and violence, were a terror to all who surrounded them. I envy not the feelings of a statesman who allows himself to make such comparisons of a virtuous and good people. My native State manages her affairs in a manner satisfactory to herself, and consistent with her prosperity; and the shaft of envy, by whatever arm it may be hurled, will fall harmless at her feet. She neither offers nor receives dictation; and if he is really a State rights man, we shall expect he will allow us the privilege, which other States enjoy, of managing our own affairs in our own way. We shall not quarrel with Tennessee, because about a dozen of her members of Congress, through a caucus, attempted to bring out a presidential candidate; and I hope he will allow us the privilege of selecting candidates in our own way, by conventions of the people, as has been the custom of both parties for many years. In connexion with this subject, he spoke of a system of rewards and punishments, and that it extended to the operations of the Federal Government. He told us partisans were rewarded and punished according to their compliance with, or resistance to, dictation. He referred to our minister to England, (Mr. Stevenson,) to Mr. Taney, Mr. Barbour, the Speaker, and others, to illustrate and prove his position. If he intends to convey the idea that either of these gentlemen have abandoned their republican principles, or acted contrary to their own sense of public duty, at the bidding of any one, I take issue with him, and challenge his proofs. The President, as well as a majority of this House, has selected able and competent friends for high stations, instead of opponents. In this, the President followed the course of Mr. Jefferson and our other Presidents. The gentleman selects from his friends, and is supported by his friends. But why does he refer to the Speaker as having received his reward? He has, with great energy and success, sustained the present administration, and continues steady in its support. Is there any thing wrong in this? In the last Congress, the gentleman generally voted with him; but with whom does he now vote? The journals show the House divided now, as it was then, except the gentleman and some of his colleagues are found voting with the nullifiers, federalists, and bank men, all of whom are, and have been, the President's ardent and bitter opponents. In selecting a Speaker, the majority gave the known friend of the President a preference over one who was supported by his opponents, and one whose friendship was justly doubted. If this is a reward, it is the reward of merit, honestly and intelligently bestowed. But how stands his own case? He was once made Speaker by opposition votes, and was the candidate of that party this session. Was there any reward, actual or attempted, on either of these occasions? Does he not see that his charge may be turned upon himself? If one, continuing with his friends, receives a mark of distinguished consideration from them, and it is called a reward, what term shall we apply to one, when a similar favor is shown or attempted, when he changes sides?

The gentleman exclaims vehemently against those in power; his indictment is general, embracing all who differ with him in opinion, but is always without specifications. Will he ever specify the wrongs, and the criminals, so that the latter may be arraigned, tried, convicted, and punished? Duty requires specific exposures, if he is apprized of these alleged wrongs. He who conceals a crime known to him has a heavy responsibility on his shoulders. The gentleman has told us that the power of the Executive in this House controlled the majority. This is the charge, stripped of all verbiage. Many of his friends have sought to establish it. If it is true, this charge is a serious one, deserving high consideration. If such influence is exercised to promote laudable purposes, he of course will not object to the end, but deprecate the means only. If it is exercised for bad purposes, he ought to complain, and duty requires him to expose it. He will perceive that he makes a serious charge, not only against the President, but against the members of this House. Is he prepared to sustain it? If so, I hope he will give us his proof. He has also told us, in another part of the speech, that the President and his party were against the election of President and Vice President coming into this House. He informed us that this was an effort to gull the people, and then gravely inquired if the representatives of the people were not to be trusted with the power conferred on them by the constitution? Now, it is quite certain, if the President has and can exercise the alarming and tremendous power over this House which he has described to us, then they are not to be trusted. He told us the President was attempting to appoint a successor. If the election comes into the House, and he desires thus to appoint, then, on the gentleman's own ground, he will be certain to do it, and the people should guard against the possibility of his exercising this power. It is very certain that the President either has not the power over the House which he ascribes to him, or the House is not to be trusted; and I leave the gentleman to reconcile his different positions. If the President has this power, and wishes to appoint a successor, I cannot perceive how the gentleman can be willing to trust the election to this House, nor how the President and his friends can object to its coming into the House, if it is certain that the former has and exercises the influence here which the gentleman ascribes to him.

If I can understand another of his charges, he alleges that one of the reasons why large appropriations are sought to be made is, to increase the patronage of the General Government, so that it can control the elections. The President, in vetoing the Maysville road bill, the bill to recharter the United States Bank, and other bills, desired to limit executive patronage. You, sir, and every person who has held an executive station, must know that the dispensation of patronage is the most troublesome of all executive duties. I will ask the gentleman if the President has changed his views on this subject since he gave those vetoes? If he has changed his opinions, I ask for the proof. He often entertains us with an account of the alarming numbers of office-holders; and on one occasion, by including among them the pensioners, swelled their numbers to sixty thousand. Whether the war-worn soldier is an officer, or not, I leave others to decide. They were enumerated to swell the number of those whom he alleges conform their acts to the executive will. If he really feared that the Executive would abuse his trust in this respect, how did it happen that the other day he voted for a pension bill which is likely to add thousands to the list, extending the system beyond all former precedent? Yes, sir; he not only voted for that bill, but, when the discussion had hardly commenced, voted for the previous question on it. Why did he vote for the previous question? Was it to save time? If so, why, a week afterwards, at the heel of the session, did he speak six hours on this bill, and then withdraw his motion at the end of his speech?

My colleague, [Mr. Vanderpoel,] on a former occasion, commented upon the gentleman's course, in not raising his voice in defence of the President for removing the deposites. He assigned, in reply, this extraordinary reason: that he knew too much of the secret springs which produced that measure. The meaning of this is, that there was something wrong and censurable at the bottom of this measure, which he knew and condemned; and we may infer the public would have done so, if it had known it. I ask why, if there was any thing wrong known to him, he did not disclose it? As an honest and fearless representative, it was his duty to have done so; but if there was nothing wrong, why assign such a reason for his silence? He has either assigned a bad, incorrect, and useless reason, or he has neglected his duty to the public in not apprizing others of the reason which operated upon him, and which might have changed their views, and the decision of that subject. In one part of his speech he told us that the President was a high-minded, honorable, independent man; in another he informed us that he had violated his pledges, by interfering in the freedom of elections, and was ruled by bad, dishonest men. If the President is honest, then he has not violated his pledges; and if he is independent, then he is not controlled by others. I will thank him to inform us which of these positions are to be relied upon as correct? He further told us, that although the President and his friends were committed against the old United States Bank, they were not as to a new one. This is a strange declaration to proceed from that gentleman. The President is known to be opposed to all chartered monopolies. This is the leading opinion among the friends of the administration in this House. No friend of republican principles and equal rights will ever vote for another United States Bank. Those who have read that gentleman's published speech on the subject of the recharter will, however, be surprised that he should deem it censurable to vote for a United States Bank.

The gentleman has talked much of the acts and professions of the President and his friends, by which the people were "gulled." He told us that when it was objected to the election of President coming into the House of Representatives, it was an effort to "gull the people." I understand it to be the settled opinion of the democracy of this country that an election ought never to come into the House. But let us look back to 1824. What then was the almost united voice of Tennessee? What said the gentleman and his friends on this subject then? Was there then an attempt to gull the people? General Jackson then had a large plurality of the votes of the people, but was defeated in the House. His friends cried out bribery and corruption, and the House-President and his associates were expelled from power, and the people's President came into office. The gentleman will hardly admit that General Jackson's friends were then gulling the people. Have principles changed, or has the gentleman changed? He has led us to Greece and Rome to witness the operations of tyranny. He has held up to our view Cromwell kicking Parliament out of doors, and Napoleon ruling France at his discretion, and then warned us against the encroachments of executive power. Comparing the President with tyranny is a new way of demonstrating friendship. It will require something beyond the force of comparison either to make the President a tyrant, or cause the people to believe him one. If the gentleman still insists that he is a friend of the President, why make these allusions and comparisons? If an opponent, will he admit it? Why has he changed?

In a subsequent part of his speech, the gentleman told us that the President and his friends professed to be in favor of a gold and silver currency, which, on a former occasion, the gentleman called the "gold and silver humbug," and remarked that this was another effort to gull the people. He also remarked that success in such efforts seemed to depend upon the boldness with which they were made. I know that the President and the great body of his friends are in favor of a constitutional currency; one which possesses intrinsic and uniform value in all parts of the world; one which gives the mammoth speculators no preference over the rest of the community; and one which is opposed to those monopolies which are injurious to the true interests of the people. If it is wrong to entertain such constitutional opinions, and publish them boldly, then indeed he and they are guilty. That gentleman, I presume, has great confidence in this matter of boldness and apparent confidence; and, from his free use of them, one might conclude that with him much depended upon them; for no one has ever exceeded him in bold and confident assertion. It seems to be one of the great weapons which he uses on nearly all occasions. I might pursue the gentleman throughout several of his speeches, and show that many of his positions concerning the President have little but this boldness of assertion to sustain them; but, as my friend from Virginia [Mr. Garland] suggests, the President does not need defence from these oft-repulsed attacks. I am conscious that the arrows from the gentleman's quiver will fall harmless at the President's feet. The nation will protect his honor with the same sacred honesty of purpose as he protected New Orleans and now protects the constitution. I will leave to time the recording his deeds of valor, and to dispel any clouds that may be attempted to be raised to obscure or destroy his fame, whether they are the works of pretended friends or real enemies.

When Mr. Gillet had concluded,

Mr. SMITH said it had not been his intention to have uttered a word, nor have detained the committee a single moment upon the subject of either the pending bill, or the other bill of a kindred nature, reported by himself from the Committee of Ways and Means, except to make such explanations in relation to the latter as should be called for relative to facts which might, from his peculiar situation, be supposed within his own possession, and not in possession of members generally. Nor would he have risen against his intention, at this time, had he not discovered, or thought that he could discover, a somewhat prevalent inclination in this committee, now in session, to draw a distinction between the merits of the bill reported by the honorable gentleman from Pennsylvania, [Mr. Sutherland,] and which is technically called the new harbor bill, and the bill which had been laid aside, reported by himself, and which is called the old harbor bill. I have (said Mr. S.) explained and defended the purposes of this last-named bill to the best of my feeble abilities, and this committee have substantially and in effect adopted it, with very slight additions. In view of this fact, I deem it my duty, a duty which I owe to this committee and to the nation, now that I see an attempt made to discriminate between the purposes and works embraced by these two bills, and to sustain the one at the expense of the other, to lay before this committee and the nation such facts and views as are at once suggested to my mind by such a course of procedure, illustrative of the relative merits and claims of the bill reported by myself, and the bill now pending, reported by the gentleman from Pennsylvania.

Mr. Chairman, these bills embrace objects of precisely one and the same classification. It is the purpose of each to secure appropriations for the construction and improvement of harbors upon the seacoast, upon the interior lakes, and rivers in the Western States. The one is confined to works of this description already commenced and partially completed; and the other is confined to works of the same description, that have been projected at different dates, surveyed, but never commenced otherwise. The appropriations of the one bill (that reported by myself) amount to $939,384 43, with the amendments thereto, and the aggregate of the other is $931,265 51, making a total of $1,860,649 94. Now, it is contended that the superior merit of the former bill—the only distinctive merit, in truth, of that bill, over the latter bill—consists in the fact that they are works that have been heretofore commenced—works upon which large sums of money have already been expended—works that are in a state of advancement and partial completion; while those in the other bill are altogether new. And hence it is, as the argument runs, that they are entitled to a preference; and hence it is that gentlemen upon this floor are predisposed to award to them a preference, in making appropriations from the public Treasury, over the works enumerated in the other bill. But, sir, when the whole history of these old works is considered, and when the condition of them is taken into a just account, this consideration to which I have just adverted, so far from attaching to them pre-eminence in point of merit over the new works, absolutely furnishes a very strong if not conclusive argument, to my mind, in favor of the new works, even to the neglect of the old works. At all events, Mr. Chairman, I undertake to say, and to proclaim to the nation, that if there be any considerations that will justify any gentleman upon this floor to his constituents and to the country, for voting the large sum to which I have alluded, contained in the old harbor bill for the works there mentioned, there are equally strong and imperious considerations to justify his voting the large sums specified in the new harbor bill, for the works there enumerated. Sir, the bills are of equal merit in all respects, if it be not true, for the reason I have already mentioned, that the new bill has the strongest claims at this time upon the indulgence of Congress. Let us look at history and facts.

By adverting to the report accompanying the old bill, and which has been adverted to by the honorable gentleman from Virginia, [Mr. Patton,] every line, word, and figure of which, as contained in the appendix, has been derived from the annual reports of the War and Engineer Departments, it will be seen that many of the works contained in the old bill have been several years quartered upon the national Treasury. Many of them have, year after year, been reported in a state of completion, insomuch that only one additional appropriation has repeatedly been represented as all that was necessary to secure their completion beyond question. It cannot be doubted by any gentleman who will investigate their history, that again and again has Congress added a yearly appropriation for many, and I think I may say for a majority, of these works, under the full, confident, and honest expectation at each time that it would be the last appropriation needed, or to be asked for in their behalf. It is curious to look through the appropriation bills of this kind, to trace almost any of these works, and observe the language used in describing the object and purpose of the appropriations made for them. It is alternately "to complete," and "to continue," and "to secure," and then "to complete" and "to continue" again, almost with the regularity of the meetings of Congress. Sometimes the story is omitted for a year, and no appropriation is required, perhaps to render this singular alternation of purpose and promises less observable by the watchful guardians of the public Treasury. But what, sir, does all this history argue? That you should stop this system of expenditure. This was a grave question which presented itself to my mind, on looking carefully into the subject. It is a question which was presented in the facts brought by such examination before the Committee of Ways and Means. Enormous sums had been expended by Government upon these works, and to say that they should now be abandoned, and that no appropriation for them should be now made, was a responsibility, sir, too great for any committee, composed of a part only of this House, to assume, objectionable as the history of these works rendered them. The result was, sir, to report to the House, in the bill which I reported, the several appropriations asked for by the engineer department, and with the bill to report a succinct history of the several works, and of the annual expenditures and progress thereon, as has been done; leaving it to the whole House to determine upon the course which the interest of the nation would justify, under the embarrassing circumstances of the subject. And it is now for the House to determine, in view of the facts disclosed to them, whether they will pursue further this course of expenditure that has been found productive, to say the least, of no very great beneficial results as yet, or whether they will pause until some more economical system of expenditure can be devised.

But, sir, to return to the comparative merits of the works contained in the two bills, now in effect alike before this committee. It is demonstrated in the history of the old works, that although expenditures have been made upon them year after year, and they are seemingly in a state of partial completion, no human foresight can tell, nor ingenuity prophesy, when they will or can be completed. The repeated promises of their completion, (made in honesty of purpose, I am willing to concede, in every instance,) and the no less frequently returning failures, only prove the utter uncertainty upon the subject of their completion, and that human skill cannot guaranty any thing, in this particular, respecting them. Now, sir, who can rise upon this floor and say, in the face of facts like these to which I have adverted, derived from the records of the engineer department, that the new works—those contained in the new bill—are not equally certain of being executed at as early a period as these old works, if the appropriations asked for them are granted by Congress. Who, sir, can undertake in confidence to determine which class of works is most distant from and difficult of execution? No mortal calculation can determine this point; and hence I say it is demonstrated that, taking this view of the bills, there is no justification for the one that is not equally applicable to the support of the other. It is upon this principle that I will vote for both, or against both. These bills must stand or fall, in the eyes of this nation, whatever may be the difference in their destinies in this House, side by side and together.

Sir, let us come for a moment to the matter of cost. I find eighteen of the twenty-six works, harbors and rivers, embraced by the old bill, which number (eighteen is all that I could trace satisfactorily through the documents of Congress) were, by their original estimates, to cost five hundred and sixty-nine thousand four hundred and thirty dollars. I find that the appropriations already made to execute these works, embracing the modifications, enlargements, repairs, and securing of them thus far, amount to one million two hundred and thirty-eight thousand eight hundred and thirty-two dollars; being an excess over the estimates of $669,402, or ninety-nine thousand nine hundred and seventy-two dollars more than one hundred per cent. beyond the original estimates; and yet the works are incomplete, and God only knows when they will be completed; for, as I have before remarked, human foresight cannot calculate the end of them, either in regard to time or cost. Hence my argument is, that in view of either the probable time requisite to the completion, or the probable costs, of the two series of works embraced in these two bills, the one has no merit or claim over the other, but both have equal claims upon the Government, if it be determined that Government will progress further in such a system. To me, sir, it is apparent that, on the score of cost, those who take the responsibility of carrying out the one set can find no sufficient justification for neglecting the other set of these works. I am willing to let those assume the responsibility of this partiality in sustaining the one to the neglect of the other, who may choose so to do. But it should be understood that these are not the only works of the same description that are in contemplation. By reference to House Document No. 18, vol. 1, for 1834-'35, it will be found that the estimated cost of works surveyed, but not commenced, to January, 1831, is no less than forty-nine millions two hundred and fifty-one thousand three hundred and fifty-nine dollars; and that the cost of other works, surveyed subsequently to that date, under the act of 1824, is estimated, as appears by the same document, at upwards of eighteen millions of dollars; making an aggregate of upwards of fifty-seven millions of dollars, laid out in contemplation, under this system of expenditure. Many millions more have been added, no doubt, by the surveys of the last year, including in this aggregate the new works now before the committee; and these are only original estimates, let it be remembered. It appears by House Document No. 89, for the session of 1834-'35, that, as far as could be ascertained, ten millions eight hundred and eighty-six thousand seven hundred and three dollars had been expended up to that time on similar works. Who, sir, can look through this nation, and discover results from this enormous expenditure corresponding to the amount? That some portions of it have been profitable and useful I doubt not. But I call the attention of members of this committee, and the attention of this nation, to the subject, as a general system, which, if meriting their continued support, also demands the hand of extensive reform. If, upon mature consideration, it is to be persisted in, without some new and yet undevised method of economizing in relation to it, so be it. It is time that the history of its works were known and understood, that Congress and the nation may act upon them understandingly. I do not say they can be suddenly abandoned, but I do say they demand some new system of execution.

Sir, the inquiry is made by some gentlemen into the causes of these extensive expenditures, and the rapid enlargement of these public works, at such cost to the Treasury. Some gentlemen attributed this result to one cause, and some to another. I, too, have examined, to my own satisfaction at least, into the cause, or rather causes, of these results. They are not to be found, as some gentlemen have charged, in the predisposition of the present administration to extravagant expenditures, nor to its devotion to the oft-repudiated system of internal improvements. They are to be found, sir, in the combined influences of the act of 1824, appropiating $30,000 per annum for surveys of new works, and of your system of civil and military engineering, emanating from the Academy at West Point. It is from these small and apparently unobtrusive beginnings that these enormous expenditures are entailed upon the public Treasury, with so little prospect of a termination. What, sir, is the operation, what the practical influences, laudable influences, (if gentlemen will call them so,) upon the people, of these combined causes to which I have adverted? I beg this committee to consider this point for a moment.

Under the law of 1824, the comparatively small sum of $30,000 is appropriated for new surveys here, there, and everywhere in the land. It becomes known, shortly, to every town and village, that, on the application of any number of their respectable citizens, any project of improvement in their village may be surveyed at the public expense, from this annual appropriation. An application by some few is accordingly made. The Government have a large number of second lieutenants by brevet, being supernumeraries in the army, in pay, and without employment—fresh from the Military Academy at West Point. The responsible men of the Government are ever anxious to have employment for all the supernumeraries thus attached to the public Treasury, and are thus predisposed to favor every demand for their services. All influences, then, favor the application of the little village. It is granted. The young engineer, in his panoply of office, and with his glittering instruments, is soon upon the theatre of action. He is looked upon with admiration by the village people—his formal preparations and parade of accoutrements are watched by every eye. The boys and the men, and the women, too, perhaps, in some instances, of the astounded town or village, follow in his train, each wondering at the magnificent revolution that is about to be wrought in the condition of their village. The survey is completed. The whole project is most favorably and encouragingly spoken of by the young engineer. The people are delighted with the prospect of the improved and enlarged resources of the place, and the back grounds and pastures, that have laid idle and in waste before, for a wide circle upon the outskirts of the village, are converted and with beautiful regularity laid out into sites for new edifices of business and habitation. An official report, accompanied by a beautifully drawn plan or map of the work, correctly executed, no doubt, as well as beautifully, so far as the topography of the plan is concerned, (for all such things are well drawn up by our corps of engineers,) is formally deposited in the appropriate department in this city.

Now for the next step. All citizens, without distinction of party, impelled by the same impulse of seeming patriotism, and without stopping to examine nicely into the principles of Government that may be involved by the measure, unite in a petition to Congress for a publication of the survey and plans, and for an appropriation to carry the work into execution. The Representative upon this floor from the district which embraces the projected improvement is pressed on all sides, by political friends and political foes, to urge the petition upon the consideration of Congress, and to secure the appropriation. There is no resisting it: all parties are united in it; the people are unanimous for it; and in not one instance of twenty upon this floor can the Representative summon up confidence enough in himself, however mad the scheme may be considered by him, to decline pressing upon Congress a compliance with the petition thus pushed forward. Nay, sir, upon the principle that the Representative is bound to obey the will and voice of his constituents, he is compelled to go ahead with the application, and to do every thing in his power for its success. Well, sir, the appropriation is secured, year after year it is repeated, and it is not until hundreds and thousands of dollars beyond the original estimate of the young engineer have been expended, and no apparent prospect of a successful completion of the work is manifest, that the true character of the enterprise is seen and appreciated.

Mr. Chairman, this is no fancy sketch that I have been portraying. It is the common operation and result of your law of 1824, and annual appropriation for new and indiscriminate surveys, and of your system of engineering fostered by the West Point Academy. Their combined influences and facilities for engendering wild schemes of improvement excite a false and unprofitable cupidity among the people. They excite expectations that are scarcely ever realized. They lead expectants, thus aroused, from one step to another, until the aggregate of public works projected press upon the national Treasury with claims amounting to millions of dollars annually. Sir, the law of 1824, effecting an annual appropriation of $30,000, for the purposes I have described, entails upon the Government a greater expense, insignificant as that sum is, than would an annual appropriation of forty times thirty thousand dollars, to be expended in enlarging your navy, or in the construction of fortifications. The Committee of Ways and Means have discharged their duty, in bringing the subject before the House and country, in the report which has been lying upon our tables for some months, and it is for Congress to decide whether the same system shall be persisted in or not, or what ulterior measures of reform in it shall be adopted. I assume not that there is any distinction to be made between the several works embraced by either of these bills. I take it for granted that they are regarded as of public utility by the local population that press them on. I wish not to discriminate between them, without some positive information to guide me, nor to advance one to the neglect of the other. The exact local information essential to judge them rightly in this respect, I pretend not to possess, nor to have inquired into. It is not easily to be obtained by any one man. But what I do maintain is, that the two bills are equally meritorious. I maintain this, not because I feel any more interest in the one than the other. The people of the State which I have the honor in part to represent upon this floor have an interest in each of these bills. I may vote for them both; I may vote against both bills; but I would not vote for either, to the neglect of the other. Nor would I vote for either, because I can see much to encourage the hope of public benefit corresponding with the large amount of expenditure which they involve, unless there will grow up at no distant day some new system of execution and economy on the part of the Government in relation to works of this class. I, sir, would greatly prefer a repeal, for a season at least, of the annual appropriation under the law of 1824, for new surveys, to which I have adverted. It was attempted in the last Congress, and for a season the attempt was successful. Many gentlemen now upon this floor will recollect by what means the attempt was finally defeated. It is the fountain of madness upon the subject of these improvements. But, sir, I will not detain the committee at this time to discuss that proposition, and will only add that I hope the two bills now before the committee may sink or swim together.

Mr. SUTHERLAND briefly stated the reasons why these bills should pass. The bill under consideration was no partial bill; it commenced at Maine, and went through the whole Union. He briefly replied to the remarks of the gentleman from Maine, and said that he could go through the whole bill, and give reasons for every appropriation contained in it; but time would not permit. He hoped the committee would take the question, and let the bill be disposed of.

Mr. WHITTLESEY replied to the remarks of the gentleman from Maine, [Mr. Smith,] and said that the report of the Committee of Ways and Means, alluded to by the gentleman from Maine, was, in many respects, false, and inquired of the chairman of that committee whether that report had ever received the sanction of the committee.

Mr. CAMBRELENG replied that the report alluded to had been brought before the committee, and in the main had met the approbation of the committee, and stated that the appropriations in bills under consideration was much larger than he had anticipated.

Mr. WHITTLESEY then went on to show that the improvements in the West had fully come up to the expectations of their friends; and hoped gentlemen would act consistently in their expenditures. He went on to point out the importance of the improvements to the West; showing the amount of produce that passed the Western lakes in the course of the year, and concluded by stating that the expenditures in Ohio were conducted by the same regard to economy as though they were made out of the private funds of individuals.

Mr. TURRILL said he was in hopes that he should not have felt himself called upon during this session, and particularly so near its termination, to address the House or its committee, upon this or any other subject. It was with great reluctance that he ever attempted to address a deliberative body, and that reluctance was increased on the present occasion, because (said Mr. T.) I am aware that the committee are already wearied with this discussion, and I know that gentlemen are desirous of proceeding with the mass of business which remains unacted upon. But, sir, the extraordinary course taken by the honorable gentleman from Maine, [Mr. Smith,] both in the remarks he has just submitted, and in his report accompanying the other harbor bill, which report has been quoted in this debate as authority, and liberally commented upon, compels me to ask the indulgence of the committee for a short time. I repeat, sir, that I do it with reluctance; but my constituents have an interest in some of the improvements contemplated in this bill, and particularly in that at the mouth of Salmon river, on Lake Ontario; and notwithstanding any embarrassment under which I labor, and any reluctance I feel at taking up the time of this committee, I should be recreant to their interest if I omitted on this occasion to make an effort to remove any unfavorable impression which that report and those remarks may have made, and also to exhibit some few facts showing the expediency and necessity of constructing convenient harbors on our lakes.

Sir, with the honorable gentleman from Ohio who has just taken his seat, [Mr. Whittlesey,] I feel that it is a matter of regret that the important public works embraced in the bill, reported by the gentleman from Maine, should have fallen into the hands of one whose mind appears to have been too strongly prejudiced against them to permit a full, fair, and impartial examination into their merits; and I fully concur with him in the opinion that the statements contained in the report are incorrect, and not to be relied upon. I know them to be so in one instance at least.

[Mr. Smith. To what case do you allude?]

Mr. Turrill. I allude to the public works at Oswego, which appear to have received the especial attention of the honorable gentleman from Maine. Sir, the effort of the gentleman, throughout the whole report, appears to have been to prove that the costs of the various works have so much exceeded the original estimates, that it is impossible to form a correct opinion as to the amount of money or the extent of time which will be required to complete them, and thus to create alarm by producing an impression that we are launching upon an ocean of expenditure without chart or compass. Sir, the honorable gentleman in his report concludes his remarks upon the Oswego harbor with the following statement:

Aggregate of appropriations - - -	$126,404 03
Original estimates - - - - -	33,348 64
Excess of appropriations over estimated costs - - - - - - -	93,055 36
Proposed appropriation - - - -	30,000 00

Now, what are the facts? Why, sir, the estimates for these works, which have, at different times, been submitted to and approved of by Congress, amount to $196,958 32, while the whole appropriations amount only to $149,820 87. These facts appear from the printed document which is now before me, and from the documents from which the honorable gentleman has taken such liberal extracts.

[Mr. Smith here explained, and stated that the first appropriation was for a little over $33,000, and the law granting the appropriation required that no part of the money should be expended until a contract should be entered into to construct the work for a sum not exceeding the appropriation, and that security should be given for the faithful performance of it.]

Sir, (said Mr. T.,) I was aware of the fact stated by the honorable gentleman, and he has given me no additional information. It is true, sir, that the law making the first appropriation contained a provision that no portion of the money should be expended until security should be given for the completion of the work, upon the plan adopted by the War Department, and submitted to Congress. It is also true that such a contract was entered into, and security given for its faithful execution; and it is also true, sir, that, with the exception of grants made by Congress, upon a full representation of the facts, to indemnify the contractor for losses sustained by severe gales on the lakes, the work was completed in the manner specified, was approved of and accepted by the Government, and the contract was cancelled. After this work had thus been completed, other erections in that harbor were projected at different times, the object of which was to secure and make permanent the original work. Plans and estimates were made for these additional works, and submitted to and approved of by Congress, and the subsequent appropriations have been made to finish those works upon the plans thus submitted and approved.

[Mr. SMITH here asked who made the last estimate.]

Mr. TURRILL. The last estimate was made by Colonel Totten, of the engineers, and submitted to Congress under date of 23d November, 1833; and so far from the appropriations exceeding the estimates, as set forth in the report, the estimates exceed the appropriations more than $47,000. Now, sir, when all these facts appear in the printed documents from which the honorable gentleman took his extracts, I am at a loss to discover how they could have escaped his notice. I have not examined minutely other parts of his report, and therefore I will not notice them, for I intend to be brief. I will dismiss this report by merely remarking that if the honorable gentleman has been as erroneous in his views, and as much mistaken in his facts, in relation to other works, as he has been in regard to these, his report should be received with many grains of allowance; for it is deceptive, and eminently calculated to mislead the committee.

I will now proceed very briefly to state a few facts showing the importance of all the public works upon the lakes which have already been commenced, or which are contemplated by this bill. And, sir, what has already been the effects produced upon your commerce by the harbors which have been constructed on the lakes? I will cite a single instance by way of illustration. I allude to the harbor at Oswego. When these improvements were commenced, there was little or no foreign commerce carried on at that place. Your custom-house establishment was a burden upon your Treasury, and required an annual tax of 6 or $7,000 to sustain it. As late as 1833 the whole revenue collected at that port amounted only to $862, while in 1835 it had increased to $36,068 91, which, after deducting the expenses of the custom-house, will leave a balance of about $30,000. Thus it is, sir, that the Government is not only relieved from an annual tax of about six thousand dollars, but is actually receiving, even from the present commerce, a nett income that will, in a very few years, pay, the whole amount of $200,000, proposed to be expended there, with full interest. Why, sir, this fact alone shows that the outlay of this money for the improvement of that harbor will be a most profitable investment to the Government. Supposing no increase of commerce at that port, even with the present revenue, every dollar taken from your Treasury to construct these works, will be returned to it, with interest, dollar for dollar. And this too, sir, is assuming no augmentation of your commerce. But the business operations with Canada cannot remain stationary. They will increase with great rapidity, as strenuous efforts are making, at this time, to remove the impediments to the trade between that province and the United States, and sooner or later these efforts will be crowned with success. I will take the liberty of calling the attention of the committee to some proceedings on this subject in Upper Canada.

The board of trade of the city of Toronto, impressed with the great importance of this subject, caused a meeting of the principal merchants of that city to be convened on the 17th of December last, at which the following resolutions were passed:

"*Resolved*, That this meeting has much satisfaction in returning its best thanks to the honorable chairman, and the members of the committee of the board of trade, for the attention they have evinced for the interest of the commerce of Upper Canada, on the subject of the importation of goods through the United States from Europe, and agree with them in the opinion that the subject which has induced them to convene this meeting is one of the greatest importance, and which they would recommend to the favorable attention of others throughout the province.

"*Resolved*, That, considering the subject as one inviting very general and extensive consideration, as applying to all classes of the community, the chairman of this meeting be requested to call a general meeting of the inhabitants of the district on Tuesday the 29th ——— next, at the city hall, at 12 o'clock, for the purpose of a full expression of public sentiment on this important subject.

"*Resolved*, That the committee of the board of trade are requested, with such assistance as they may think necessary, to prepare the draught of a memorial to be presented to the several branches of the Legislature, to be laid before the said general meeting for approval and signature, with the view of bringing the subject under the notice of the colonial authorities, and for reference to the imperial Government."

The Kingston Chronicle, in commenting upon these proceedings, uses the following language:

"From the well known intelligence and enterprise of many of the gentlemen who compose the board of trade of that city, we feel satisfied that the question will be ably and fairly brought before the public.

"We hope soon to see this measure attracting the attention of the commercial community of Kingston, and other places throughout the province."

The Commons House of Assembly, in consequence of these indications of public sentiment, on the 16th of February last, adopted, by an almost unanimous vote, an address to the King, in which the following language is used:

"Situated as Upper Canada is, at a great distance from the sea, the communication with which by the St. Lawrence is interrupted for a great part of the year, our interests would be best promoted by the adoption of such commercial regulations as would enable our agriculturists, merchants, and manufacturers, to obtain free access to the ocean through every channel by means of which they could safely convey those articles of which this province possesses a superfluity, to the best markets, and through which they might bring back the goods and merchandise of other lands according to their means, without such imports being subjected to the present heavy tariff of discriminating duties, the operation of which is, to add materially to the many natural obstructions incidental to our inland situation, and to retard the settlement of the waste lands of the province by the more wealthy, intelligent, and persevering class of emigrants, who are induced to settle and invest their capital in the States of Ohio, Michigan, Pennsylvania, and New York, the citizens of which have at all times the free choice of three markets, namely, the St. Lawrence, foreign States through their own seaboard, and the markets of the Southern States, while we of Upper Canada are restricted to the channel of the St. Lawrence only.

"We humbly request that your Majesty will be pleased to cause such representations to be made to the Government at Washington as shall appear to be best calculated to induce Congress to admit the goods and merchandise of Great Britain or other nations to pass through the United States into Upper Canada, subject only to the duties which are or may be payable within this province, and without being liable to the payment of any tax or impost in or to the said States, and also to permit the goods, wares, and merchandise of this province to be transported through the said States to other countries beyond the seas, free of duty, and subject only to such regulations as may be found necessary for the prevention of infractions of the revenue laws of the American Union."

Sir, the objects embraced in this address are of great importance to this Government, as well as to the province of Canada; and there can be no doubt, therefore, that the existing obstacles to the commerce will soon be removed, since it is so decidedly for the interest of both countries to accomplish that object. In the United States, public attention has not yet been directed to this important subject. But little is known of this province, and its natural advantages are not understood. Sir, the peninsula of Upper Canada, in location, in fertility of soil, and salubrity of climate, is not surpassed by any portion of the United States. It is true that this province is now comparatively a wilderness, having a very sparse population; but still the spirit of enterprise, as exhibited in works of internal improvement, would do honor to an older and wealthier country. The Canadians have wisely adopted the plan of uniting and using, wherever practicable, the great watercourses of the country. Their effort has been to improve upon the works of nature, and not vainly attempt to outdo them. By means of the Rideau canal, a steamboat navigation has already been opened between Lake Ontario and Montreal, and the improvements now in progress on the St. Lawrence will open another communication between the same points for steamboats of the largest class, thus making a good ship navigation from Lake Ontario to the ocean. The Welland canal, which will soon be enlarged and made permanent, now affords a schooner navigation between Lake Erie and Lake Ontario. A railroad is now being constructed between Hamilton, on Lake Ontario, and Port Dover, on Lake Erie. And the day is not far distant when Lakes Huron and Ontario will be united by a ship canal. Sir, it requires but a mere glance at the map of Upper Canada to convince any one that, when these improvements shall have been completed, when the vast resources of that province shall have been developed, there will be an extensive commerce carried on upon Lake Ontario, a portion of which will find its way down the St. Lawrence to Montreal; and should Ogdensburg be connected with Vermont and New Hampshire by means of railroads, a portion will take that direction to Boston, while all destined to New York must pass through the Oswego and Erie canals, to the Hudson.

Mr. Chairman, I have thus far confined my remarks exclusively to the foreign commerce carried on upon the lakes, and I will now briefly draw the attention of the committee to the extent of domestic commerce; for that branch of commerce is of far more importance to my constituents, and to this Government, than the other.

Sir, let me ask if the gentleman from Maine can be aware even of the extent of these inland seas, or of the commerce carried on upon them? Why, sir, the extent of coasts on these waters is 5,719 miles, while the whole coast from the Passamaquoddy bay to the river Sabine is only 3,690 miles; making an excess of lake, over the whole seacoast of the United States, of 2,029 miles. The lands bordering these waters are of the best quality, and in fertility are not surpassed by any on the habitable globe. It may be truly said of them that they constitute the garden of North America. The population is as yet but thinly sprinkled over this vast extent of fertile country; but it is increasing with a rapidity that exceeds all calculation, while the increase of business more than keeps pace with the increase of population. Property going from the Hudson to the upper lakes passes either through Oswego or through Buffalo; and a statement of the amount of property passing these two ports during the last year, and its destination, will convey some idea of the amount of commerce, and will also show what States have a direct interest in it.

The amount of property shipped from Buffalo in 1835, and its destination, is as follows, viz:

	Merchandise.	*Furniture.*
Virginia,	2,763 lbs.	
Missouri,	58,846	18,425
Alabama,	59,831	
Tennessee,	333,766	8,470
Upper Canada,	95,768	122,679
Pennsylvania,	139,319	128,834
Michigan,	13,253,589	1,198,326
Indiana,	3,254,986	136,403
Illinois,	3,320,718	945,263
Ohio,	14,229,961	3,732,409
Kentucky,	918,915	57,580
	36.921,662	9,348,389

I have no means of ascertaining what quantity of merchandise passed through Oswego to Upper Canada during the last year, neither can I tell the amount of furniture which was sent to the upper lakes; but the merchandise, including salt, shipped from that port through the Welland canal, destined to the above States, amounted to 39,798,290 pounds. Thus, sir, we see that ten States west and south of the State of New York, including Michigan, have a direct interest in the commerce carried on upon the lakes, and this interest is constantly and rapidly increasing. To show what interest the agriculturists of the Western States have in its trade, I might proceed to enumerate some of the products of the soil which constitute the return cargoes. I will, however, only name one, the article of wheat. There were 624,733 bushels of wheat received at Oswego from the lakes during the last year, 275,362 bushels of which were the produce of farms in Ohio, Michigan, Indiana, and Illinois. The New England States are also interested in ameliorating the commerce of the lakes; for while this commerce opens a better and more extensive market for their fabrics, it, in return, furnishes cotton, tobacco, and all kinds of bread stuffs, at a much lower rate than they can be obtained from any other quarter.

Sir, the immense tides of emigration which annually flow from the North and the East, to people and make valuable your public lands, pass on these lakes. The enterprising yeomanry of the country embark upon these waters with their little all, to "seek a habitation and a home" in the wilds of the West. Thousands and tens of thousands of lives, and property to the amount of millions, are annually exposed to the dangers of this navigation. And will the Government refuse to render the lives and property of its citizens safe, by neglecting or refusing to appropriate the small sum which may be necessary to construct suitable harbors wherever they are required?

Sir, it is expedient and indispensable that every harbor already commenced should be completed in a permanent manner, and that some of the harbors contemplated in this bill should be constructed with as little delay as possible. The harbor at the mouth of Salmon river, on Lake Ontario, for the improvement of which this bill provides, is of the utmost importance. There is, perhaps, no place on the lake where a good harbor is so much needed; and safety of life and of property require that it should be improved and made accessible in all weather. Many lives have been lost, and many vessels wrecked, in Mexico bay, for the want of a convenient harbor at that place; and, sir, it is the interest, it is the duty of this Government, to protect the commerce by which its citizens thrive, and from which it derives its revenue. The money thus expended in giving protection to the lives and property of those engaged in carrying on the great commercial operations of the country, is amply repaid by the increase of population, of wealth, of enterprise, and by the extension of that commerce which sustains and invigorates the nation.

But, sir, in ascertaining the number or importance of the harbors required for the protection of that commerce, our views ought not to be limited to the present period, or to the business which is now carried on in that region. We should look forward to the time when the enterprise and the spirit of internal improvement which everywhere exists, shall have developed the vast and unlimited resources of that country. Sir, this is truly called "the age of improvement." It has no parallel in history. Canals, the magnitude of which, when commenced, excited the wonder and admiration of the world, are scarcely completed, before they are found to be altogether too limited for the immediate wants of the country; and they are doomed to be abandoned for new and more extensive works, or to be enlarged under every disadvantage, at enormous expense, and at the sacrifice of individual interest, which must always follow the interruption of the regular channels of business even for a limited period. The time is at hand when, profiting by experience and the examples set us by our Canadian neighbors, the internal improvements of this country will be conducted on a scale the magnitude of which will be equal to the increasing business of the country. The doctrine that artificial is cheaper or better than natural navigation, or, in other words, that rivers were only made to feed canals, has been exploded; and the civil engineer who would now attempt seriously to advocate that doctrine would be considered better qualified to become the inmate of a lunatic asylum, than to superintend public works of any description. Wherever, under the influence of this false theory, canals have been built along the margin of navigable waters, they will remain, in all time to come, enduring monuments of the ignorance and the folly of their projectors. The natural watercourses of the country must ever constitute the great channels of our internal commerce. The Falls of Niagara will be overcome by a ship canal on the American side. The military defence of the country requires it; the agricultural and commercial interest of the whole West demands it, and the work will be constructed. Nor will the march of internal improvement be limited to this magnificent work. A steamboat navigation will be opened from Chicago to the Mississippi, and an enlarged communication from Oswego to the Hudson. Nature has marked out this as the great highway of commerce, with lines too distinct to be obliterated or even obscured by the utmost efforts of art. By making these improvements, a steamboat navigation will be opened from New York, through the lakes, to New Orleans—a shorter (and our relations with foreign countries may, at times, be such as to render it a much better) and safer route than the one coastwise. The whole valley of the Mississippi, and the vast extent of country bordering on the lakes, would feel the beneficial effects of these improvements. A new impetus would be given to the rapid growth of Oswego, Buffalo, Cleveland, Detroit, and Chicago. Other important towns will spring into existence, as if by magic, along this great commercial highway; and in a few years you will behold along the coasts of these inland seas, cities which, in splendor, in wealth, in commercial enterprise, in moral and intellectual resources, will equal your proudest Atlantic cities. The lakes, and the three rivers thus connected with them, will constitute the main arteries through which will flow, during all time, a great portion of the commerce of North America—a commerce which will regulate the exports and imports of the country—a commerce from which the revenue of the nation is to be derived, its citizens enriched, and every section of the Union strengthened and invigorated.

Sir, while we are appropriating millions annually to protect our commerce in every quarter of the globe, shall we withhold the small sum required to guard and cherish it, when it receives its first flow from the heart of your country? While such large sums are expended every year to render property safe on every ocean, when at the risk of our wealthy importing merchants, can we refuse the amount necessary to protect it, when exposed to the dangers of these inland seas, and when, if destroyed, the loss will fall upon your agriculturists and country dealers? I trust not, sir; I trust that, upon this occasion, the same liberal policy, which should always be pursued by an enlightened and powerful nation in regard to its commerce, will be adopted.

I conclude my remarks, Mr. Chairman, by expressing the hope that the enacting clause of this bill will not be stricken out, but that every meritorious work, for the construction of which this bill is intended to provide, will receive the favorable consideration of Congress.

Mr. CAMBRELENG did not rise to make a speech. He hoped gentlemen who had long speeches on hand, at this late period of the session, would follow the example of a member from Louisiana, of a former Congress, who, after struggling six weeks for the floor, and threatening the House with a speech of a week in length, finished it in fifteen minutes—having, as he said, put forth the heads, intending to write it out. He recommended to gentlemen who had long speeches on hand, in consideration of the public business, to give the committee nothing but the heads. I have not, said Mr. C., any such speech on hand, and should not have said one word upon the question, had I not been compelled to reply to the renewed and unexpected attack made upon me yesterday by the gentleman from Tennessee, [Mr. Bell.]

That gentleman, Mr. Chairman, seems to fancy himself the most persecuted man in the nation. He complains of having been attacked for months past by public journals—by the President of the United States—by the great Globe itself. I have certainly a right, if any one on this floor has, to sympathize with the gentleman; for no one has been, throughout this session, more honored by the assiduous attention of the opposition journals, from the highest to the lowest, with very few exceptions. I have not only met with scurrility abroad, but it has been my fortune to encounter even on this floor the most vulgar abuse. I could not, sir, consider such attacks, whether in this House or out of it, as in any degree worthy of notice, much less of complaint. Far from it; it would be ungenerous indeed in me to withhold my gratitude for this solitary but profitable evidence of the friendship of my political opponents.

The gentleman from Tennessee attacks the Speaker for the organization of the committees, and especially of the Committee of Ways and Means. Politically, there is no change. Besides those who were continued on the committee, we have, as we had last year, a member from Georgia and Tennessee, and one from Maine in place of a gentleman from New Hampshire, now of the Senate. The only change of any importance was in substituting the gentleman from Massachusetts, [Mr. Lawrence,] a member of the opposition, for a gentleman from Alabama, [Mr. McKinley,] a friend of the administration, not now a member of the House. But the gentleman charges that the committee has been organized "on the principle of extravagance;" and that its chairman represents a city "most interested in appropriations." Whatever interest, sir, the city of New York may have in our appropriations, as the principal depository of the public money, she certainly has none in making them extravagant. On the contrary, if, in discharging my duty as chairman of that committee, I had consulted the interest of New York only, I should have united with the gentleman from Tennessee and his friends, and, by retarding the appropriations for the public service, have added some two or three millions to the amount of the public money remaining in our banks.

The gentleman from Tennessee has animadverted on the extravagance of the Committee of Ways and Means, and has done me the honor to ascribe that extravagance chiefly to my efforts. "The credit," he says, "of passing the deposite bill is due to the chairman of the Committee of Ways and Means"—to those extravagant measures proposed by me. Sir, the gentleman from Tennessee is not the only member of either House, or of either party, who will find it necessary to offer some apology to the country for voting for what he calls "substantially distribution." This argument about extravagant appropriations has been urged elsewhere, and even by some who are friendly to this administration. But on what foundation does this apology rest? What are these extravagant appropriations for the public service which have compelled gentlemen to vote for a measure that cannot be defended? I speak not now of the multiplicity of bills which are reported at this, as they have been at every session, by the various committees of this House and the other, embracing new and extravagant appropriations; I refer not to what has been projected, but to what has been done by a majority of both Houses.

What has been done for the navy, the idol of all parties? How many millions of our immense surplus have we appropriated to strengthen this right arm of our defence? Not two, sir; all the excess for every naval purpose is only about seventeen hundred thousand dollars, and a portion even of that amount is to be applied to other purposes than the increase of the navy. But even this appropriation, small as it is, was not the proposition of the Committee of Ways and Means, or of its chairman, but was reported by a member of the opposition in the other House, as an amendment to the naval appropriation bill. Surely, sir, the gentleman from Tennessee cannot refer to this as an extravagant appropriation, come from whence it may, after expressing himself strongly in favor of this branch of the public service, and his determination to go even beyond the recommendation of the Secretary of the Navy.

What, sir, have we done for our fortifications? The entire appropriation for this branch of expenditure is $1,860,000, being one million more than has been usually appropriated for some years past. In the fortification bill of last year, $869,000 were proposed to be appropriated, besides the addition of $300,000. Twenty years ago, when we had a surplus, though we had a public debt, funded and unfunded, of one hundred and fifty millions, we appropriated annually $838,000 to this branch of service. There is not a dollar of the money appropriated to be applied to any but works actually under construction—fortifications which have been admitted by the gentleman from Tennessee, and by every other gentleman, to be necessary for our defence, and which would have been completed ten years ago, had we had, as we now have, a surplus revenue. We have not appropriated one cent for new fortifications. We have, it is true, a bill from the Senate, not from the Committee of Ways and Means, proposing over a million for new works; but that bill, since the passage of the act depositing our money in the State treasuries, will not be adopted by this House.* No, sir, our surplus will be applied to no such national purpose, but to others in no way connected with the defence of the country. All we shall get is the million extraordinary for fortifications which are already commenced, and are designed for the defence of a few prominent points on our extensive maritime frontier, the importance of which has been admitted by the gentleman from Tennessee himself.

What more have we done in this course of extravagant measures for the defence of the country? Four hundred thousand dollars additional for arming our fortifications. Does the gentleman from Tennessee complain of this extravagance? Why, sir, he himself, in quoting the opinions of the inspector general, which I had also occasion to notice, gave us a wretched picture of our fortifications, without guns, and very justly described the utterly defenceless condition of our coast. Surely the gentleman will not denounce appropriations designed to protect those very cities which he told us could be easily taken, and by a very insignificant force, because we had fortifications without armament.

For the army, sir, we have literally done nothing. We have made an insignificant appropriation for the improvement of our armories, and others for supplying munitions which had been exhausted by our Indian wars. Not a dollar of extraordinary expenditure has been authorized for the army, exclusively, except so far as the service was connected with the suppression of Indian hostilities.

And what, Mr. Chairman, is the aggregate of these appropriations, proposed by the Committee of Ways and Means, the extravagance of which has driven gentlemen to the necessity of distributing our surplus revenue? The whole amount—for the navy, army, fortifications, armament, armories, and extraordinary supplies, and including the $1,700,000 added by the Senate to the navy bill—is less than four millions of dollars. Yes, sir, this is all that we have saved of that immense surplus of sixty or seventy millions which gentlemen tell us of; all that we have applied to measures of defence which, at the commencement of this session, were advocated by the representatives of the East, West, North, and South. They were all then ready to appropriate five, six, or seven millions extraordinary for these purposes. Nay, the gentleman from Maine [Mr. Evans] declared, no doubt honestly, that he was willing to appropriate for the defence of the country an amount equal to the sum heretofore appropriated to the sinking fund—that is, ten millions annually, and for ten years. Now, sir, notwithstanding these declarations from all sides of the House, we have applied less than four millions to our defence; and yet the extravagant appropriations proposed by the Committee of Ways and Means is now urged as an apology for a measure which gentlemen themselves denominate as "substantial distribution."

There is, sir, another class of appropriations which were introduced by the Committee of Ways and Means, including a small portion reported by the gentleman from Tennessee himself, of an extraordinary character, though they cannot be denounced as extravagant, for they were indispensable. I mean our large appropriations for Indian treaties and Indian wars; more than seven millions and a half for the former—near three millions for the latter; and we have yet to provide some three or four millions, making an aggregate of near fourteen millions. Here are fourteen millions of dollars in a single year, of extraordinary appropriations for the West, notwithstanding all the declamation we have heard about expending the whole Treasury on the Atlantic border. I care not where the public money is spent, when applied, as in this instance, to national purposes. I notice it only to show gentlemen how utterly unfounded their statements are. Out of more than twenty millions of appropriations for extraordinary purposes, in 1836, near fourteen millions are for our Indian treaties and Indian wars—those "scalping-knife and tomahawk appropriations," as they have been denounced by the gentleman from Massachusetts, [Mr. Adams.] Does the gentleman from Tennessee mean to echo that sentiment? Does he mean to charge the Committee of Ways and Means with extravagance in recommending measures for the protection of the lives and property of our fellow-citizens, in Florida, Georgia, Alabama, Louisiana, Mississippi; ay, sir, even in Tennessee? Is the gentleman for or against these appropriations? [Mr. Bell replied.] Sir, I am sorry to have ruffled the temper of the gentleman; I have not misrepresented him. I noted his language yesterday, and it is to that I am replying. In enumerating the extravagant appropriations I have reported from the Ways and Means, the gentleman referred expressly to these Indian appropriations, and animadverted on the course of the administration in regard to Indian affairs. Nor is it the first time he has objected to them. On a former occasion he deprecated the passage of one of them as premature, and under a panic, without satisfactory information of the existence of the war.

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* This bill was not even acted upon.—*Note by Mr. C.*

Such, Mr. Chairman, is the character and amount of these extravagant appropriations for which the Committee of Ways and Means has been arraigned; appropriations for the navy, army, fortifications, and for the peace and protection of the West; almost all of which have been sanctioned by a large majority of both Houses, and the larger portion, those relating to Indian wars and treaties, by an almost unanimous vote.

Thus much for the extravagance of the Committee of Ways and Means; now for the extraordinary expenditures sanctioned by the gentleman from Tennessee. On Saturday last that gentleman voted for a pension bill, which, if it becomes a law, will create an annual demand upon the Treasury estimated at five millions, by a member of the committee. Sir, I respect the gallantry of our Indian warriors, and am grateful for their services; but if we are to extend the principle of pensioning to all who are engaged in our wars, internal and external, where are the expenditures of this Government to stop? If this Government is to be administered upon such extravagant principles, we shall very soon have a pension roll extending to every branch of the public service and involving an expenditure of 50 to 60 millions annually.

Gentlemen, sir, to whatever party they may belong, who have anticipated that, by distributing the public revenue, they were to arrest extravagant appropriations, have deceived themselves, and sacrificed the great interests of the country. They have stopped the appropriations for the army, navy, and fortifications. The bill for the increase of the army sent to us from the Senate will not be acted upon, however urgently it may be required for the protection of our Western frontiers—not a navy bill reported by the Committee on Naval Affairs will command the attention of either House; nor shall we condescend to notice the new fortification bill sent to us by the Senate. Such appropriations appeal only to the patriotism of Congress—they are sustained alone by great considerations of national policy and common defence. These, the revolutionary system of gentlemen has effectually arrested. Not so, sir, with the appropriations for rivers and harbors, which depend upon local and private interests, reaching our congressional districts and our own political interests. The contest which we have just witnessed between the gentleman from Maine, [Mr. Smith,] and from Pennsylvania, [Mr. Sutherland,] who reported these two harbor bills, is an admirable illustration of the whole system. The former reported the old, the latter the new bill. The bill reported by the gentleman from Maine did not pass without some difficulty; but when the new bill came before us, it was violently attacked, and in some danger. The gentleman from Maine, perceiving the danger, rises and defends the bill reported by the gentleman from Pennsylvania with great zeal and energy; gives it a much higher rank and character than his own bill, and declares that if either is to be reduced or rejected, a preference ought undoubtedly to be given to the bill embracing new works, and reported by the gentleman from Pennsylvania. The latter gentleman rises indignantly to repel the attack made by the gentleman from Maine upon his own bill, and deprecates any comparison between the merits of the two bills; but if there was a difference, the works already commenced ought not to be left unfinished, and therefore the gentleman from Maine's bill ought to have priority. This awkward contest between these two gentlemen, each defending with energy the bill reported by the other in preference to the bills reported by themselves, may appear mysterious; but the mystery is easily solved. The appropriation for the Delaware breakwater was embraced in the bill reported by the gentleman from Maine; that for the Portland breakwater was in the bill reported by the gentleman from Pennsylvania. Such, sir, is the origin and character of this species of legislation. You cannot stop it by distribution, for it is sustained by the same corrupting principle of compromise. But you do arrest appropriations for national objects—for all such we are worse off than we were under the old confederation. Then we made requisitions upon the States for their money for common defence; now, we may make requisitions for our own for the same common purpose, without having the slightest attention paid to our requisitions.

The bill under consideration is the one reported by the gentleman from Pennsylvania, and for new works. These appropriations are of recent origin, but of rapid growth, and deserve more attention than they have hitherto received. The following statement shows their progress:

1817		–
1818		$3,247 50
1819		4,322 22
1820		338 00
1821		2,757 50
1822		3 50
1823		–
1824		–
1825		400 00
1826		–
1827		82,589 70
1828		121,094 35
1829		505,666 43
1830		298,655 94
1831		667,846 19
1832		533,249 00
1833		694,638 67
1834		642,536 46
1835	a little over	505,000 00

These expenditures were scarcely known till 1827, the second year of the late administration of the gentleman from Massachusetts, [Mr. Adams.] In that year they amounted to about eighty-two thousand dollars, and in two years they increased to four and five hundred thousand dollars. We have now before us two bills, each amounting to near a million. We have already expended in nine years more than four millions. We are asked for a million to continue our old works in the present year. And here we have another bill proposing a million for commencing new improvements. We are laying the foundation of an additional expenditure of ten millions.

But I have another and an important objection to the passage of this bill. We have commenced a new era in our financial concerns, and in the practical operation of our Government. We have directed all the money in the Treasury on the 1st of January next, over five millions, whether appropriated or not, to be distributed among and deposited in the treasuries of the several States, in 1837. That is, we have appropriated all the money in the Treasury over five millions; whether it is ever to be returned, will be decided hereafter. We have not only, in any event, temporarily at least, disposed of our surplus, but of all the money which may be in the Treasury, and which has been already appropriated for the expenditures of the present year. We have directed that this money, previously appropriated, shall be distributed among the States during the next year.

And now, sir, what is the operation of this deposite or distribution bill? (I care not by which name it is called.) We have made at the present session very large appropriations for Indian wars, Indian treaties, &c., and we may have in the Treasury, on the 1st of January next, some fifteen millions of dollars, pledged for these purposes, and for other objects which will then be actually under contract. We divide the ten millions thus pledged, and throw upon the revenue of 1837 that amount, in addition to the current expenditures of that year, and to all extraordinary demands, which must, in the present unsettled state of our Indian relations, be estimated at no inconsiderable sum, if only required for the purpose of preventing hostilities. Under the operation of the deposite bill, the revenue of 1837 will not meet the aggregate amount of all these appropriations.

The bill now under consideration, being exclusively for new works, requiring surveys or examinations, proposes another million, which will be added to the unexpended appropriations for 1836, and will fall almost entirely on the revenue for 1837. Whatever amount we now add to our appropriations must, under our new deposite system, be supplied by recourse to taxation, by an increase of the tariff. Such, sir, is the operation of your deposite bill, whether the honor of its paternity belongs to the Senate or the House--to either or both parties. The minority who voted against that measure will long have occasion to be proud of their vote, while those friends of the constitution who yielded to their apprehensions will remember but to regret it. It is in vain to disguise the matter; the friends of the constitution have been defeated. I was not surprised to witness the air of triumph displayed on that occasion by the friends of the tariff and of federal internal improvements. The advocates of the American system had just reason to exult.

They saw, in an instant, the work of years of reformation swept away, the barriers of the constitution overthrown, and the American system restored in a more formidable shape than had ever been contemplated, even by its projectors. I trust, sir, that though defeated, we are not ready to surrender principles for which we have been so long and, till now, so successfully contending. I hope the contest will be renewed in December; for, if your deposite law remains, you must again have recourse to taxation, and our constitution will be effectually annulled. For all national purposes it will be more inefficient than the old articles of confederation, while this Government will be converted into an oppressive and rapacious tax-gatherer for the support of the States, depending, as they will in every branch of their expenditures, on the federal Treasury. Our whole political system will be reversed—we shall exhibit the extraordinary spectacle of a Government consolidated for all purposes but that great object for which our confederation was formed—common defence. I regret that on so great a question the enemies of exorbitant and unjust taxation, the friends of a rigid boundary between State and federal duties and powers, should have been separated. I hope we shall be more united hereafter; but, whatever may be the event, the contest must come, though we go into the fight crippled and wounded by an arrow "feathered from our own wing."

Such is one of the great motives for striking out the enacting clause of this bill. Every appropriation now made is not to be taken from your surplus, but will be so much added to the taxes of the country. There are some appropriations in the bill which I shall vote for, as connected with our national concerns; but most of them are local, and some of them should fall, not even upon the treasuries of the States, but upon assessments upon the towns for whose improvement they are designed. These are local, not national expenditures; and if we are to carry out this system, improve every petty harbor, and, as the gentleman from Pennsylvania [Mr. Sutherland] says, "our hundred rivers," we shall open a theatre of expenditure beyond any thing ever contemplated by those who framed or by others who have given the broadest construction to the constitution.

On this question I wish to be frankly understood. While I have always considered the Mississippi, with its giant arms stretching through vast regions of our public domain, as objects in the improvement of which the States have a direct interest, I have never considered it a federal duty to provide for improving the navigation of every creek and river in the country. Sir, even the improvement of the Hudson I have always thought more a State than a national concern. I have never heard the appropriation for that river mentioned in this House, without feeling that the character of our State was degraded; that a State like ours, great in population and powerful in resources, equal to many of the kingdoms of Europe, should be petitioning here for the means of removing an obstruction in a river near the head of navigation. I trust it will not be long before the pride of our fellow-citizens, from the Atlantic to the lakes, will be roused, when we shall draw upon our own vast resources, and not annually present our petitions here. Under the auspices of the State, this improvement might be soon accomplished; but so long as we depend upon our federal Treasury, we cannot anticipate when it will be finished. But, however that may be, this branch of our federal expenditure should be rigidly examined before we proceed further in it; for if we go on as we have done, or as is proposed in this new bill, we shall be called upon to improve every harbor and river in the country, involve our Treasury in millions of expenditures not to be estimated, and in an annual increase of taxation, without the aid even of a deposite or distribution bill.

Mr. BOON said, when they were about fixing a day of adjournment, they were told, that after that should be done, speaking was to cease, and the business of the country was to be disposed of. He had voted against fixing a day of adjournment, because he was fearful that speaking would not cease; and they now had evidence that it was not to cease. On yesterday, the whole day was occupied in discussion, and the same thing had occurred to-day. We now had but seven or eight days left to transact all the business yet unacted on; and he hoped gentlemen would not continue to discuss matters foreign from the subject under consideration, but would allow the very important business of the country to be disposed of without further delay.

Mr. UNDERWOOD went into an examination of the appropriations proposed by this bill, and made a comparison between the amount of the appropriations proposed at the different harbors and the amount of postage received at those harbors, for the purpose of showing the insignificance of many of those harbors.

Mr. SUTHERLAND briefly replied to the arguments of the gentleman from Kentucky [Mr. Underwood] and the gentleman from New York [Mr. Cambreleng.]

After some further remarks by Messrs. EVERETT, DENNY, MERCER, BRIGGS, HANNEGAN, REED, HARPER, ROBERTSON, PEARCE of Rhode Island, LOVE, and WISE,

The motion to strike out the enacting clause of the bill was decided in the negative: Yeas 59, nays 89.

The question was then taken on the amendment to the amendment; which was disagreed to.

The question then recurred on the amendment of Mr. Vinton; which was disagreed to.

Mr. **MERCER** offered an amendment, for improvements in the vicinity of the Dismal Swamp canal, $20,000. Agreed to: Yeas 64, nays 57.

Mr. **MERCER** then offered an amendment, for continuing the improvements of Tennessee river, by the construction of a canal around Calvert shoals, $100,000. Agreed to: Yeas 73, nays 57.

Mr. **HARD** offered an amendment, for improvements at the mouth of Eighteen Mile creek. Lost.

Mr. **CLAIBORNE**, of Mississippi, offered an amendment, for a survey of the coast, from the Rigolets, at the mouth of Pearl river, to Mobile Point, $1,000. Adopted.

Mr. **SUTHERLAND** offered an amendment, for the improvement of the Thames river, Connecticut, $13,000. Lost.

Mr. **SUTHERLAND** offered an amendment, to increase the appropriations for the Cochecho branch of the Piscataqua river to $10,000. Agreed to.

Mr. **SUTHERLAND** then moved to strike out the appropriation for a pier at Delaware city. Agreed to.

Mr. **MERCER** offered an amendment, for the improvement of Cumberland river, $30,000. Lost.

Mr. **CARTER** offered an amendment, to provide for a survey of the tract of country between the Coosa and Hiwassee rivers. Agreed to.

Mr. **TURNER** submitted the following amendment, for the improvement of the harbor at and near Havre de Grace, Maryland: "For clearing out and removing a bar between the harbor of Havre de Grace and Spesutie island, $5,000," and urged the same by a few very forcible remarks.

Objection was made to the amendment, on the ground that a survey had not yet been made, and that the bill contained a provision appropriating five hundred dollars for causing a survey of the same to be made.

The amendment was rejected.

Mr. **SUTHERLAND** offered an amendment, for a survey of James river, Maine, $3,000. Lost.

Mr. **ROBERTSON** offered an amendment, for improvement of James river below Richmond, $50,000. Lost.

Mr. **MERCER** offered an amendment making an appropriation for a survey of Allegany river, from Pittsburg to Olean, New York. Lost.

Mr. **DENNY** offered an amendment, for improvement of Allegany river, $50,000. Lost.

Mr. **ASH** offered an amendment, for the improvement of Frankfort creek, in the county of Philadelphia, $10,000. Lost.

Mr. **CHAPIN** offered an amendment, for the improvement of the harbor of Port Bay, New York, $5,000. Lost.

Mr. **HARLAN** offered an amendment, for the improvement of Kentucky river, $30,000. Lost.

Mr. **STORER** offered an amendment to provide for the survey of a site for a bridge across the Ohio river. Lost.

Mr. **CARTER** offered an amendment, for continuing the improvements at Muscle Shoals, Tennessee river, $30,000. Lost.

Mr. **SUTHERLAND** offered an amendment, for the survey of the Rappahannock river, $350. Lost.

Mr. **DENNY** offered an amendment, for the improvement of the Monongahela river, $10,000. Lost.

Mr. **MERCER** moved an additional section to the bill, providing that the several sums appropriated should remain in the Treasury until called for, to be expended on works already made. Lost.

Mr. **HAWES** offered an amendment, for the improvement of Green river, $50,000. Lost.

Mr. **HAWES** then offered an amendment appropriating $20,000 for the improvement of Rough and Panther creeks. Lost.

Mr. **SUTHERLAND** offered an amendment, for the improvement of the harbor at Norfolk, $5,000. Lost.

Mr. **PEYTON** moved to amend the bill by an additional section, for continuing the improvements of Cumberland river below the mouth of Laurel, which is hereby declared a port of entry, $50,000.

Mr. P. spoke at some length in support of his amendment, when

Mr. **McCOMAS** offered the following amendments to the amendment of the gentleman from Tennessee:

For Macadamizing the turnpike road leading from Covington, Virginia, to the mouth of Big Sandy, Kentucky; and for establishing a port of entry at the falls of the Great Kanawha.

Mr. McC. said that it appeared to him that we had fallen on strange times. It has been but a few days (said Mr. McC.) since we passed a bill regulating the public deposites in certain local banks, and for depositing the surplus revenue, over and above five millions, with the several States, agreeably to the number of their Representatives and Senators in Congress. It was thought that a measure that passed both branches of Congress with such unanimity would have given quiet to the distracted councils of the nation, at least for the present session; but, to my great astonishment, these sanguine expectations have not been realized. The bill now under consideration seeks to appropriate upwards of a million of dollars to the improvement of the harbors and rivers in the United States, and principally all new works, as I am informed. The artful manner of connecting the various interests of the country together in this bill cannot fail to strike the most superficial observer. Does any gentleman on this floor believe there are five of these points that could receive the votes of a majority of this House for the sums proposed in this bill, if the question was taken upon their merits separately? This, sir, is the proper test. No appropriation of the people's money should be made, unless a majority of the people's representatives shall think it right. Sir, I have no notion of swallowing this gilded pill, by uniting the good and the bad together; I want to vote on each proposition separately. This course of legislation has been truly denominated log-rolling; a system corrupt and demoralizing in its tendency, and, if persevered in, will, in my judgment, upturn the principles of this Government.

Sir, I had flattered myself that each State would have been permitted to make its own improvements; that the late division of the surplus revenue was to effect that object, by carrying out the views of the President on that subject. But, sir, if this mode of legislation prevail, it is vain to talk of a division of the surplus revenue, as there will be none to divide. Upwards of twenty millions have already been appropriated, and your table yet groans under the weight of bills containing multiplied millions more. Sir, there is one single bill on your table that will and must pass, containing six or seven millions for Indian treaties.

This bill, sir, had its origin at a time that renders its passage questionable. Sir, it is one of that litter of bills that was prepared at a time when it was thought wise legislation to appropriate the whole surplus revenue to some object, in preference of giving it back to the people. To do this, it was necessary to increase the objects of appropriation, and multiply bills on the subject, as it would not do to present this enormous sum on the Atlantic seacoast in one bill, lest the appalling sight might shock the nerves of the House. Hence we find a harbor bill, a light-house bill, and a fortification bill, all seeking to spend millions of money in the same region of country, and at the same points; and in addition to this, we find ourselves placed in the ridiculous attitude of having a conflict of jurisdiction between the Committee of Internal Improvement and the Committee on Commerce, both claiming to exercise jurisdiction over the same objects; each presenting to this House bills appropriating money for the same purpose. How, sir, is this question to be settled? Are we to recognise the right in both these committees to levy money from the people's pockets to effect the same object? or how is this dispute to be settled? What, sir, is external, and what is internal? I am answered by some, that all above ports of entry is internal, and all below is external; that it is constitutional to spend the people's money to make improvements below ports of entry, and that it is unconstitutional to spend above ports of entry. I cannot perceive any good reason for such a distinction. To establish a port of entry is to fix a suitable point for exterior and interior commerce to meet. If it is necessary to improve the river below, to enable vessels to come to the port to receive the interior commerce, I am at a loss to perceive why it is not necessary to remove the obstructions above, to enable commerce to be brought down to the port. If this power is claimed under that feature in the constitution conferring on Congress the right to regulate commerce with foreign nations and between the several States, why should the improvement stop at any particular point on a river that may run through several States? If to regulate commerce carries with it a right to make internal improvements, the power is not confined to ports of entry, but is coextensive with the United States. I am aware, sir, that this is a difficult subject; but whatever may be the true definition of the constitution, it cannot be made to embrace a proposition so absurd in itself.

I have long been of opinion, in point of expediency, that the subject of internal improvement should be left to the States. But seeing that this bill embraced objects having not half the claim to nationality as the main turnpike road leading from Eastern to Western Virginia, I was induced to ask for the sum of $500,000 for Macadamizing the same; but, sir, to be candid with you, if the amendment be adopted, I should still, under a sense of duty, vote against the bill. I could not sanction the principles of that bill, if it brought a railroad through my yard. Sir, the honorable member from Tennessee [Mr. Peyton] has moved to amend the bill by establishing a port of entry above Nashville, some distance, in order to avail himself of the benefit of some of the surplus revenue. I was induced to offer an amendment to the amendment, to establish a port of entry at the falls of Kanawha. He placed the claim of his constituents upon the ground of the rich mineral productions of that country, that would find their way to market through that source, and the fact that many of the veteran soldiers that were in the battle of New Orleans were brought in flat-bottom boats from that point. Mr. McC. said it was true he could not say to the committee that an army had ever been brought down the Kanawha river, but he would say that upwards of two millions of bushels of salt floated annually upon its bosom to the West; and as to mineral productions, he was certain the claim was equal, if not superior—that a finer coal region was not to be found any where; and if the gentleman intends to bring his district within the limits of the constitution, it was but fair that his constituents should be placed on the same ground. He said he wished to represent his district impartially; but he found, by casting his eye upon the map, a portion of his district lay upon the Allegany mountains, a point at which he could not fix a port of entry, and bring it within the limits of the constitution, and thus change its relation from external to that of internal, so as to profit by this new doctrine. He said every gentleman must admit, that to give the constitution that construction, would be to make the constitution to depend entirely upon the action of Congress. If so, I should tremble for the fate of my country. This bill itself, connecting the Northern frontier with the Atlantic seaboard, from Maine to New Orleans, combining in one bill the various interests, is a sufficient commentary itself upon that point. Sir, the same combination of interest can, if they choose, establish a port of entry any where. Yes, sir, they may bring the balance of my constituents within the limits of the constitution, by fixing ports of entry high up the New and Greenbrier rivers. Mr. McC. said he hoped that gentlemen would cease to press these extravagant and wasteful appropriations; that more money had already been appropriated than could be prudently expended in two years; that it was unwise for the Government, this season, to commence any new works, as the season was far advanced, and labor and provision uncommonly high; and that it must be evident to every man that these high prices could not long continue. They have been produced by the unprecedented amount of local banking capital thrown into the money market, giving a fictitious and false value to labor, as well as that of agriculture, which must soon regulate itself by the standard value. He said much had been said on the subject of the tariff; great fears had been entertained by some that if the surplus revenue was divided among the States, it would revive the tariff and internal improvements; but, for his part, he could see no way better calculated to effect that object than to make these large appropriations, and swell the ordinary expenditures of the Government far above what the last provision of the compromise act will produce in 1842. These are the advocates of raising the tariff, not those who wish to arrest the system of improvement by this Government, and give it to the States; and, with all their prating upon that subject, the people will understand the matter. They underrate the intelligence of the people, if they think they can cram these absurd doctrines down their throats.

The people will look to the acts of men, and not their professions. They will examine the journals, and find the names of these strict constructionists and economists all voting for the most wasteful and extravagant expenditures of the public money; their names will be principally found enrolled on every amendment against reduction; and yet nothing dwells upon their lips but the tariff and internal improvement. It is strange that this new light of breaking up the compromise bill never broke upon their benighted vision till the very moment the public money was about to be wrung from their hands by a large majority of all parties. The plain man, of common sense, will require of these gentlemen why they did not propose this inquiry at the first of the session, before they voted for all these extravagant expenditures, and how it happened that the tariff fever, just at that time, began to rage with such unabating fury? Those gentlemen who voted for these extravagant appropriations will find it difficult to prove to the people that they are the only political economists in this land. The plain man will not readily believe that to take large sums of money from his pocket will add greatly to his wealth. However, Mr. Chairman, it is now ten o'clock at night; I will not pursue the subject further, but will leave this question to the people to say who has represented their interests; for his own part, he thought the expenditures of this Government should be confined to a strict revenue standard.

After some remarks by Messrs. PEYTON and

SUTHERLAND, the amendment to the amendment was rejected.

The question recurred on the amendment of Mr. PEYTON; and the question being taken, it appeared there was no quorum voting.

On motion of Mr. SUTHERLAND, the committee rose, and

The House then adjourned.

SATURDAY, JUNE 25.

POTOMAC FIRE INSURANCE COMPANY.

The "bill to amend the charter of the Potomac Fire Insurance Company" coming up for consideration—

Mr. FAIRFIELD moved the following amendment:

"*Provided, further,* That said company shall not exercise any of the powers herein granted until after the whole amount of capital, viz: two hundred thousand dollars, shall have been paid into the treasury of said company."

Mr. FAIRFIELD said that, having been on the committee a majority of which reported this bill, his attention had been particularly called to what he regarded as objectionable in it, and to which a sense of duty now impelled him to direct the attention of the House.

To understand the objections, however, and see the propriety of adopting the amendment proposed, he said it would be necessary briefly to advert to a few facts connected with the charter, organization, and past operations, of this company.

By the volume which he held in his hand, it appeared that this company was incorporated in 1831, with a capital of $200,000, which was divided into 8,000 shares, at $25 each. By information derived from the officers of the company, he learned that but 3,020 shares, less than one half of the whole number, had been subscribed for; that one fifth of this amount, viz: $15,100, had been paid in cash, and four fifths, or $60,400, had been paid by the endorsed notes of the stockholders; and these two sums constituted the present capital of the company, with the exception of a small portion of the profits, which had been reserved and added to the capital.

The present extent of the liabilities of the company on contracts of insurance was something over a million of dollars, its actual capital, as before stated, including the notes of stockholders, being only $75,500.

Semi-annual dividends had been made, with the exception of one year, and the whole nett profits he found to have averaged 29 *per centum* on $75,500, or $1 50 annual profits on one dollar of capital actually paid in.

This company now ask, (said Mr. F.,) by the bill before the House, for the additional power to take marine risks, to insure on lives, and to grant annuities, and all this without restriction as to amount, without increasing the capital, or providing even for the payment of the stock subscribed for, and without any new guards whatever being thrown around the public interest. For one, sir, (said Mr. F.,) I cannot consent to it.

He did not wish to say any thing to injure this company in public estimation; he had no object to accomplish by it; its members were all strangers to him; but he could not avoid saying that in the North this capital would be regarded as all moonshine. It would do very well for dividends, but not quite so well for losses. While the company is prosperous, and no losses occur, or but slight ones, all works well. The capital is sufficient, because there are no draughts upon it. But let there be an extensive conflagration, one that would destroy one tenth of the property insured, and the capital, unless this should constitute an exception to all like cases, would be nowhere to be found.

But the propriety of requiring some further security to the public, and of making this capital somewhat more substantial, will appear, if we inquire for a moment what would be the legal remedy of the assured on his policy, in case of a loss, as the act of incorporation now stands. We will suppose that the officers of the company refuse to pay; the assured then commences his action, recovers judgment, and takes out his execution. But what will he do with it? How will he procure it to be satisfied? Arrest the bodies of the corporators? No, sir; they are expressly exempted from arrest by the terms of the charter. Will he attach the private property of the members of the company? No, sir; that is also expressly exempted. Can he take the corporate property? That, sir, is legally intangible, consisting principally of notes of hand, which cannot be attached and sold on execution. In what way, then, can he procure a satisfaction of his judgment? If there be any way, without the voluntary payment by the officers of the company, I am unacquainted with it.

The unsubstantiality of this capital will still more forcibly appear by looking at another provision of the charter. The fourth section contains the following provision: "That every stockholder neglecting or refusing to renew his notes, or neglecting or refusing to pay any instalments when required by the president and directors so to do, shall forfeit all his interest in this company, and be held liable for his proportion of any loss which may have occurred previous to such neglect and refusal."

Now, suppose a stockholder refused to pay or renew his notes; what is the consequence? Why, he ceases *ipso facto* to be a member of the corporation, and forfeits the glorious privilege of paying his stock notes! For he cannot be expelled from the company, and compelled to pay his notes, too; the charter expressly providing that he shall be held liable only "for his proportion of any loss that may have occurred." So that if no loss has occurred, why, he has nothing to pay. But, it may be asked, what harm is done in this case? I answer that, by these provisions, a stockholder may receive his share of premiums, which are usually paid in advance, and then withdraw from the company, relieving himself entirely from the burden of fulfilling the contracts which the company have entered into. This would not only be monstrously unjust toward the remaining members, but might work very great injustice to the persons assured, by leaving them no responsible persons to call upon in case of a loss. Besides, if one may thus withdraw from the company, why not all? and thus leave the assured entirely without remedy. Now, sir, to obviate, in some measure, these defects in the act of incorporation, I have proposed this amendment. The whole amount of the capital should be paid in, which, by a provision in the original charter of the company, can invest in bank stock. There would then be a substantial capital, something to which the assured, in case of a loss, might look with confidence for that which they had bought and paid for, viz: indemnity.

After some further remarks by Mr. LAWRENCE and Mr. WASHINGTON, the bill, on the motion of the latter gentleman, was laid aside for further consideration.

MONUMENT TO WASHINGTON.

The "bill authorizing the officers and managers of the Washington Monumental Society to erect a monument to the memory of George Washington, on the public mall," was next taken up.

Mr. HAWES inquired how much land would be required for the purpose.

Mr. LANE supposed about ten acres.

Mr. HAWES objected to passing bills of this indefinite character; there was no limit to the amount of land that might be taken.

Mr. LANE remarked that it was intended for a public promenade. He had no objection to five or four acres.

Mr. MASON proposed an amendment, in the following words: "to be laid off under the direction of the President of the United States." Agreed to.

After some remarks from Messrs. **D. J. PEARCE, BOULDIN, LANE,** and **HARPER,** the bill was further amended by limiting the time to twenty years, otherwise the right and title to the grant of land should revert back to the United States, and that the location should be between 7th street west and the Potomac.

Mr. JARVIS moved to limit the quantity to one acre; and, after a few words from Messrs. **LANE, VINTON,** and **BOULDIN,**

Mr. LANE moved to amend the amendment as follows: "not exceeding five acres."

The amendment was briefly discussed by Messrs. **CHILDS, REED, LANE, VINTON, ANTHONY,** and **JARVIS,** when the bill was laid aside for future consideration.

HARBOR BILL.

The House then went into Committee of the Whole on the state of the Union, (Mr. Lincoln in the chair,) and resumed the consideration of the "bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836."

The question pending was the motion of Mr. Peyton to insert an additional section in the bill, "for continuing the improvements of Cumberland river below the mouth of Laurel, which is hereby declared a port of entry, $50,000."

The question being taken on the above amendment, it was negatived.

Mr. LEONARD offered an amendment, for the improvement of the Susquehannah river, near Oswego, with a view to the improvement of steam navigation thereon, $5,000. Lost.

Mr. HAWES moved to strike out the following section: "For improving the harbor at the mouth of Cattaraugus creek, on Lake Erie, $40,000."

After some remarks from Messrs. **HAWES, SUTHERLAND** and **HAZELTINE,**

Mr. SUTHERLAND moved to reduce the sum in the original clause to $20,000; which was agreed to.

After some remarks from Mr. **GALBRAITH,** the motion of Mr. Hawes was disagreed to: Ayes 63, noes 79.

Mr. CARTER proposed an appropriation of $10,000 for the continuation of the improvement of the Muscle Shoals; which was agreed to.

Mr. SUTHERLAND submitted an amendment appropriating the sum of $300 for an examination and survey of the passage of Cobscook bay, in the State of Maine; which was agreed to.

Mr. PARKER made some remarks in reference to the appropriation of $8,000 for improving Whitehall harbor on Lake Champlain, which he said was only the outlet or termination of a small creek, and then moved to strike out the following: "for building an ice-breaker on Staten Island, $19,500," on the ground that New York ought herself construct such work.

Mr. GIDEON LEE said the pointed call of the gentleman from New Jersey compelled him to give the reasons why his motion should not prevail.

But first, of Whitehall: the gentleman from New Jersey says that Whitehall is nothing more nor less than the termination of a little creek—that he has been there, and understands the matter.

Why, Mr. Chairman, it is most astonishing that a gentleman of threescore should have fallen into so great an error. Did the gentleman never hear of Skenesborough during the Revolution? of the armament, the arms, and the men, which fitted out at the harbor of Skenesborough? Well, sir, this is precisely the harbor of Whitehall. Had the gentleman never heard of the fleet of McDonough, the battle of Plattsburgh, and that glorious victory? Has the gentleman yet to learn that this victorious fleet was built, fitted out, and sailed from this same Whitehall harbor which he deems unworthy of the care of this Government? Is he yet to learn that this same Whitehall, which he calls "the termination of a little creek," is the best if not the only good harbor on Lake Champlain? and the very appropriation which he proposes to strike out is intended to raise and clear the obstructions caused by the sunken navy taken from the enemy by McDonough, and brought into this harbor? Does not the gentleman know that there is a continuous navigation from New York through this lake to Quebec? and hence to China, if you please? So much for the little creek, sir.

But I rose, Mr. Chairman, to put the gentleman right as to the improvement at Staten Island, which he proposes to strike out; and I am utterly astonished to find the gentleman wrong in this matter. Sir, no man on this floor has a more critical knowledge of the bay and harbor of New York than that gentleman. He knows that the United States have a depot at Staten Island, a great commercial station, requiring not less than six custom-house officers to take charge of the revenue. He knows that during four months at least of each summer every vessel that enters the port must stop at that station, and a large portion of them are compelled to discharge there. He knows that this station is at the Narrows between the upper and the lower harbor; that during the winter many vessels are compelled to come to here, by reason of the ice above; and that the ships of the navy, as well as those of merchants, are frequently in danger at this point, and that the protection proposed by this appropriation is indispensable. But, sir, the gentleman asks, "why don't the great State of New York do it herself?" Why, sir, she would have no objection to do it if you will permit her to derive the revenue from it. Why, sir, is it asked why? It is because she has patriotically relinquished the legitimate means, in that glorious compact of confederation, when every State glowed with the fire of patriotism, when no selfish principle ruled the State of New York, relinquished the great boon which the God of nature gave her, to the confederated States; and she sacrificed and transferred to the Federal Government the great thrift of her incomparable harbor. She cannot, since that compact, levy a single dollar of revenue on exports or imports with which to improve the slight defects of her harbor which nature left unfinished; and most prophetic was the declaration of the patriot, George Clinton, that the relinquishment of the impost revenue to the Federal Government was the sacrifice of many annual millions on the part of the State of New York; "but were it fifty millions, patriotism demanded it."

Sir, examine the document laid on your table this morning. Ninety millions of imports into that port alone, yielding to the federal Treasury probably fifteen millions of dollars! And permit me to say, sir, that nature has decreed an augmentation of this trade to that port. Does the gentleman still ask, "why don't New York improve her own harbor?"

Sir, I do apologize for detaining the committee. I avoid speaking when I can, because speeches delay proper legislation, and because I am not an orator. I feel sorry, and do regret, that while we have but six remaining legislative days, I have been compelled to delay the committee even but a few moments.

Mr. GILLET said that his friend before him [Mr. Parker] showed a commendable zeal in protecting the interests of the country against improvident expenditures of all kinds, and he should be the last to object to his vigilance. He had a right to ask for, and ought to receive, full information in relation to all the calls for expenditures like those to which he had objected. If those objections are obviated, as he thought they could be, of course he would sustain the appropriations. He would leave his colleague from the city of New York [Mr. Lee] to defend the proposed improvements at the quarantine near the city. He would only say that, on full examination in the Committee on Commerce, he had assented to that measure, as being highly proper. His colleague had not, however, said as much in favor of the proposed improvement near Whitehall as he might have done consistently with the truth of the case. Although he resided some two hundred miles from Whitehall, still he was somewhat personally acquainted with the situation of the obstructions proposed to be removed. He saw them on his way to this place last fall.

It was true that the passage from the broad part of Lake Champlain to this place was very narrow; still it was not a creek. It was a part of the lake, and without any more apparent current than in other parts of the lake. Above Ticonderoga, toward Whitehall, the lake in some parts was little wider than the canal in sight of us; still a very extensive commerce passed on these waters. It was the thoroughfare for a large number of schooners, steam and other boats, and led to the northern termination of the Champlain canal. A portion of New York and nearly all Vermont were deeply interested in this commerce on these waters. During the last war this place was a thoroughfare to the frontier. We had on that lake, as all must know, during that war, a fleet that covered itself with glory. At the close of that war, a portion, at least, of our national vessels were taken into Whitehall. They were there dismantled and broken up, as he had been informed, and sunk down in this narrow passage. Since then, deposites have collected around these old wrecks, which, together with the wrecks themselves, form a portion of the obstructions proposed to be removed by this appropriation. Hence it will be seen that a very considerable portion of these obstructions came there by the hand of the General Government itself. The jurisdiction then was in the people of the State, and the title in individuals. The Government had no right to leave any of its property there, so as to interfere with the interests of those concerned in the free and safe navigation of those waters. It even might be again wanted by the General Government for the use of another navy.

No one could object to this Government making full restitution for all injuries of this kind. It was right and just that it should do so. He must say if there could be an instance where this Government ought to clear out a harbor, he was confident this was one. He had seen the difficulty of getting in with steam and other boats, and with vessels; if every member here could see the place for himself, and become acquainted with the causes which occasioned the obstructions, he was confident there would be no objection to this appropriation. Certainly no gentleman will consent that this Government shall occasion an injury to any portion of our citizens, without redressing the wrong. There is now an opportunity to do an act of justice, in this respect, and he hoped all would consent that it should be speedily done.

The House then, according to order, took a recess.

Evening Session.

The House again resolved itself into a Committee of the Whole on the state of the Union on the "harbor bill," the question pending being the motion of Mr. Parker, as stated above.

After a few remarks from Mr. **RUSSELL**, the motion was disagreed to, without a count.

Mr. **VINTON** moved an amendment, for the improvement of the Maumee river, below the Rapids, $20,000.

Mr. **HAMER** hoped the amendment would be agreed to, inasmuch as it was below a port of entry, and had been favorably reported on by a committee.

The amendment was agreed to: Ayes 79, noes 44.

Mr. **ROBERTSON** then submitted a proviso that the sums appropriated by this bill, to be expended in the different States, should be paid out of the amount of the public money deposited in such States, respectively, under the bill passed regulating the deposites of the public money; which, after a few words from Messrs. **WISE** and **HARPER**, was disagreed to: Ayes 48, noes 95.

Mr. **LYON** moved a sum of $20,000 for improving the harbor at Mobile bay. Lost.

The bill was then laid aside, to be reported to the House.

LIGHT-HOUSE BILL.

The committee then took up the "bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys, for the year 1836."

The bill having been read, was taken up by sections.

Mr. **SUTHERLAND** offered an amendment, for the survey of the Kennebec river, Maine, $300. Agreed to.

Mr. **PHILLIPS** offered an amendment to the clause for a survey of Salem harbor, Massachusetts, by adding "Lynn," and increasing the appropriation $500. Agreed to.

Mr. **PEARCE**, of Rhode Island, offered an amendment to increase the appropriation for the light-house on Block Island, Rhode Island, to $5,000. Agreed to.

Mr. **SUTHERLAND** offered an amendment, for a floating light in or near the Middle Ground on Long Island Sound, $10,000; which was agreed to: Ayes 114, noes not counted.

Mr. **PARKER** moved an amendment, to insert after the word "Delaware," the words "and Schuylkill." Agreed to.

Mr. **REYNOLDS**, of Illinois, from the Committee on Roads and Canals, offered an amendment making an appropriation for the improvement of the Allegany river between Pittsburg and Olean. Lost.

Mr. **HAWES** offered an amendment making an appropriation for erecting a light-house at Henderson's, in the State of Kentucky. Lost.

Mr. **SUTHERLAND** offered an amendment, for a light-house on James river, Virginia, $5,000. Agreed to.

Mr. **SUTHERLAND** also offered an amendment, for a survey of Manhattan harbor, on Maumee bay, $250. Agreed to.

Mr. **REYNOLDS** offered an amendment, for a survey of the Illinois river, from its mouth, $600. Lost.

Mr. **OWENS** offered the following:

"For the placing a floating light on the Savannah bar, near a shoal called Martin's Industry, twenty thousand dollars." Lost.

Mr. **REYNOLDS**, from the Committee on Roads and Canals, moved an item of $300 for the survey of a site for a bridge across the Ohio at Cincinnati. Agreed to.

Mr. **JOHNSON**, of Louisiana, offered an amendment, for a survey of Perdido and Pearl rivers, Louisiana, $300. Agreed to.

Mr. **CHAPIN** offered the following new section:

"*Be it further enacted*, That the reports upon all the aforesaid surveys shall contain a statement of all such facts within the knowledge of the engineers, respectively, making the surveys, as are or may be materially connected with the proposed improvements, and also estimates, in detail, of the sums of money necessary for such improvements, respectively."

Mr. Chapin said a similar provision is contained in the harbor bill, which had been before the Committee of the Whole House on the state of the Union. If such a provision could be necessary in the harbor bill, it was much more important in this bill, as it contained a much larger number of appropriations for surveys. Besides, Congress looked to the reports of the engineers to establish the importance and utility of the proposed improvements. These reports came from men of science and experience, employed by the Government, who were entirely disinterested, and should imbody all the facts within the knowledge of the engineers, materially connected with the proposed improvements, to enable Congress to come to correct conclusions in regard to them.

The section was then adopted.

Mr. **HAWES** moved that the committee rise. Lost.

Mr. **JARVIS** offered an additional section, providing that none of the light-houses should be commenced until the proper examinations be made by the Secretary of the Treasury. Agreed to.

The bill was then laid aside, to be reported to the House.

CUMBERLAND ROAD.

The committee next took up the bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

The question pending was on an amendment to the bill reported by the Committee on Roads and Canals, to change the road from a Macadamized road to a railroad.

Mr. **JACKSON** said that, having urged upon the Committee on Roads and Canals the expediency of changing the plan of this road from that of Macadam, and substituting therefor, in that part of the Cumberland road not yet completed, a railroad; and having, as I think, given the subject a careful investigation, I feel desirous, notwithstanding my usual repugnance to addressing this House on any subject, of presenting some of the reasons which have operated to produce entire conviction on my mind of the expediency of making this change.

I have always been in favor of this enterprise, and urge this change because I wish to continue to act with its supporters, but cannot consistently do so unless the change takes place. The motives and reasons for undertaking this great work in 1820, and which characterized it as a national road, have for some years ceased to have any existence at all. At that time it was urged, and urged with great force and propriety, that it opened an indispensably necessary communication between the Atlantic seaboard and the great West—a facility in the benefits of which a large proportion of the nation would participate; and that, by thus facilitating this intercourse, it would bring these remote parts of our wide-extended country into a nearer and more profitable intercourse, and operate as a bond of union between them. But it is now perfectly obvious to me, and I think must be so to all who will give to this subject but a slight examination, that these considerations do not now exist, and that this Congress have none of the motives to prompt them to the continued support of this road which induced the Congress of 1820 to commence it. The mode of travel and exportation have, since that time, undergone an entire change. Science and ingenuity have opened a far better mode of communication between these two extremities of the nation than the most sanguine dreamer could have anticipated from the construction of this road. It is now no longer a connecting link between the Atlantic and the West; nor would it, during a great proportion of the year, be used at all by the travelling community in passing from Wheeling to St. Louis, even if it were finished and in perfect order throughout its whole extent. The Ohio and Mississippi rivers are now the great travelled routes, and far superior in point of convenience, speed, and economy, to any thing which a Macadam road ever can be. Vandalia, the capital of Illinois, is more than 460 miles from Wheeling, by the way of this road, and less than 100 from the Ohio river, and to that part of the river, too, which is five or six hundred miles nearer to her market than Wheeling. Not a pound of her foreign supplies or home productions will ever reach their respective destinations by a transit over this road; nor would any trader, in view of his own ease or interest, think of passing over this road from one of these places to the other. The same is true with regard to Indianapolis, the capital of Indiana. This city is only about 100 miles from Cincinnati, and more than 300 from Wheeling. In fact, neither Indiana, Illinois, Missouri, nor any other State in the Union, have any more interest in that part of the Cumberland road located within the limits of Ohio than they have in any of the other roads in that State; and so long as it remains a Macadamized road, the nature of the case forbids the expectation that they ever should have. Nor can it with any more propriety be denominated a State road than a hundred others in Ohio. The communications of its own capital (Columbus) are not, to any considerable extent, with Wheeling. The latter is a Virginia city, on the other side of the river, and considerably farther from them than their own Cincinnati, itself three hundred miles nearer the great mart to which all the surplus produce of that part of Ohio must go for a market, and from which their foreign necessaries must be procured. If the three per cent. reservation from the sales of public lands is the property of and rightfully belongs to Ohio, Indiana, and Illinois, so narrow is the extent of the circle of the benefits of this road, that I should not expect one in a dozen of the Representatives of these States to be willing to have it expended on this road; and, in my opinion, the time is coming, and not far distant either, when the Representatives of those three States will stand in one undivided phalanx on this floor, and tell Congress the construction of this road through their territories has done them, as States, no good, and that the money so prodigally expended upon it ought not to be considered as a payment of the three per cent. reservation. What is more, such a statement will be true to the letter, and the inference just and inevitable. But change the plan of the road, make it a railroad, and it becomes national again, by becoming the shortest and speediest, the most convenient and the most economical route by which the Atlantic and Western extremities of this great and growing nation can reach each other. When this road was commenced there was almost no practicable way by which the farthest West could be reached by land, and the passage by water from Wheeling to St. Louis was dangerous, tedious, and expensive. Now it requires, and would require, if the Cumberland road was completed on the present plan, two or three days longer, much more labor and fatigue, and nearly double the expense, to go by land which it would do by water; neither way, however, could it be done in less than six days. By a railroad, forty hours, stops included, will be time enough. Some of our railroad engines travel at a rate, ordinarily, which would pass over this whole route in thirty hours, and this, too, over so much of the road as is built by the United States at an expense only sufficient to keep it in repair and pay for transportation—probably about two cents per mile.

These facts, and this view of the subject, left no doubt on the minds of a large majority of the Committee on Roads and Canals that a change in your policy was highly expedient and necessary, provided the railroad could be constructed at a reasonable cost, compared with a Macadamized road. They accordingly applied to the Department for information touching this matter, and received therefrom a report and estimate made out by Mr. Brewerton, the engineer who now has charge of the Cumberland road, and whose recent position in relation thereto entitles his opinions and estimates to much confidence.

From this report we learn that the whole length of this road, within the limits of Ohio, is two hundred and twenty-four miles. The entire cost, including what has been and what must yet be expended for construction, but not including repairs, will amount to $2,345,989, equal to $10,473 per mile.

He also estimates the annual cost for repairs at $189,296.

For that part of this route on which a change is proposed, that is, from Columbus to Indiana line, ninety-eight and a quarter miles, the estimated cost of a railroad, with a double track, is $1,003,002, equal to $10,204 per mile. The annual repairs are estimated at $66,121.

One hundred and forty-eight miles of this road is in Indiana, upon which the sum expended, and to be expended, amounts to $2,349,573, equal to $15,875 per mile; and its annual repairs are estimated at $189,788.

The cost of this part of the railroad Mr. Brewerton estimates at $2,176,611, equal to $14,707 per mile; and its annual repairs at $98,976.

The continuance of this road has not yet been authorized in Illinois farther than from Indiana line to Vandalia, ninety miles, the total cost of which, including the amount necessary for its completion, is $1,217,002, equal to $13,411 per mile. Annual repairs, $113,565.

His estimated cost of the railroad is $1,100,926, equal to $12,238 per mile. Annual repairs, $58,945.

The result of the whole of which is, a railroad, with a double track, may be constructed for less money than a Macadamized road, and be kept in repair at half the expense.

The truth is, there are few places in the United States where it would be more expensive to construct a Macadamized road, owing to the great scarcity of gravel and stone, and consequent long and expensive hauling; and as few places where a railroad can be constructed at a less expense, arising from the extraordinary level character of the country over which it passes throughout nearly the whole distance from Columbus to St. Louis.

In connexion with these facts, altogether conclusive in themselves, it should also be remembered that, except from Vandalia to St. Louis, and on about the same or less distance from Wheeling toward Columbus, this road will never be extensively used for the transportation of goods.

The seat of Government in Ohio will doubtless soon be united to its commercial capital, Cincinnati, by a railroad, over which the products of this part of the State and their foreign necessaries will continue to pass. For the transportation of passengers and light goods a single track will for a long time afford ample accommodation. This would diminish this estimate for the construction of a railroad about four thousand dollars per mile, and reduce the annual expense for repairs full one third.

In view of these facts and considerations, can it be that the congregated wisdom of this nation, at this time of day, will determine to continue this extravagant expenditure in the way and on the plan they have heretofore done?

The Legislature of Ohio, if I am rightly informed, have already granted a charter for a railroad from Wheeling to Columbus; and the Lake Erie and Mad river railroad, now in the process of construction, runs parallel and near to the line of the Cumberland road, west of Columbus, ——— miles. When these roads are finished, what will that part of the Cumberland road be worth to this nation? Nothing, absolutely nothing. It must be abandoned by the United States and the State of Ohio, and repaired, if repaired at all, as all other mere neighborhood roads are. Of this we have a complete demonstration and illustration immediately before our eyes, and under our own noses, in the present situation of the turnpike between this city and Baltimore. The franchise of that turnpike, which cost such an immense sum of money, is not now worth one dollar. The same is true of the old road from Baltimore to Frederick, and of every other turnpike in the Union which runs parallel with a railroad to and from the same places.

Viewed in the light of truth, upon its own merits, and apart from all extraneous circumstances, the soundness and propriety of the measure now recommended are absolutely incontrovertible. And nothing is more surprising to me than the strange determination manifested by intelligent gentlemen on this floor, to throw dust into each others' eyes, in relation to this very important subject. A railroad is a monopoly!—not so democratic! They are willing that gentlemen of wealth, and aristocrats, should build railroads, and travel on them if they choose! But their constituents are all democratic republicans!—plain men—and want a road on which they can all travel together: no toll, no monopoly, nothing exclusive—a real "people's" road!

Mr. Chairman, I do not think this a fair representation of the democracy of the West. It requires something more than the mere looking with contempt upon the pride, luxury, and extravagance of wealth, to make an American democrat. He is himself intelligent, and his means are chosen with a wise adaptation to the end he has in view. The fare on the railroad from this city to Baltimore is higher, in proportion to distance, than upon any other in the Union—the cost of construction being four times as great as it need be in Illinois and Indiana. Now, I would ask honorable gentlemen if they can fix their thoughts upon one of their intelligent democratic constituents, who would carry his no-monopoly doctrine into practice so far as to pay three dollars and fifty cents for his fare to Baltimore on the turnpike, and be six or eight hours on the road, in preference to paying two dollars and fifty cents in the cars, and be set down in Baltimore after a very comfortable ride of less than three hours? The truth is, none but men of wealth can afford to travel upon the gentlemen's democratic people's road.

The honorable gentleman from Indiana [Mr. Lane] says, "What if a railroad is better?"—and intimates that if the people prefer a common road, it being for their use, gentlemen from other parts of the Union ought not to interfere in the matter—ought not to deny them such a road as they choose.

Mr. Chairman, if this doctrine is true, and the position here assumed tenable, it is a mere local road, and upon no proper rule of action can Congress appropriate another dollar for its continuation or support. But, sir, this road was undertaken and laid out as a national one; has been uniformly defended on this floor on the ground of its generally beneficial and national character, and every dollar expended in Indiana and Illinois has been from the funds of the nation, the reserved fund having long since been exhausted; and I suspect that the honorable gentleman himself will, when the main question on this bill comes up, defend it on the same ground.

After some remarks by Messrs. MERCER, LANE, VINTON, CAMBRELENG, HANNEGAN, REYNOLDS of Illinois, KINNARD, and CRANE,

Mr. OWENS moved that the committee rise; which motion was disagreed to: Ayes 58, noes 65.

After some further remarks by Messrs. McCARTY and MERCER, the amendment was rejected.

Mr. CORWIN offered as an amendment to the bill the appropriations contained in the bill from the Committee of Ways and Means, for roads in the Territories of Michigan, Arkansas, and Florida.

After a few remarks by Messrs. LANE, REYNOLDS, CORWIN, and MASON of Virginia, the amendment was rejected.

The bill was then laid aside, to be reported to the House.

Mr. **HAWES** then moved that the committee rise; which was decided in the affirmative: Ayes 64, noes 57.

On motion of Mr. **WISE**,

The House then adjourned.

Monday, June 27.

TEXAS.

Mr. **BELL** presented a memorial from a large and respectable meeting at Nashville, in Tennessee, praying Congress to recognise the independence of Texas, and, in relation thereto, asked leave to submit the following resolution; which was read:

Resolved, That an appropriation be made for the outfit and salary of a minister to the republic of Texas, to be appointed by the President at as early a day as shall appear to him to be expedient and proper.

Objections being made, Mr. **BELL** moved to suspend the rules to enable him to offer the resolution.

Mr. **BOYD** asked for the yeas and nays thereon.

Mr. **MANN**, of New York, moved to lay the whole subject on the table; upon which motion

Mr. **HUNTSMAN** called for the yeas and nays; which were ordered; and

Mr. **MANN** then withdrew the motion to lay on the table.

The question being on the motion to suspend the rules, the yeas and nays were ordered.

Mr. **MASON**, of Virginia, suggested that the subject had been under consideration in the Committee on Foreign Relations, and that the committee would, in a few days, report a bill in relation to it. He hoped, therefore, the gentleman would waive the motion for the present.

Mr. **BELL** said the suggestion was certainly entitled to weight, but, as he had no knowledge from any quarter in regard to the nature of the report to be made from the Committee on Foreign Relations, as the sentiment in favor of some action on this subject was very general in the country, and as he had been requested by a large body of his constituents to bring the subject before the House, he did not feel at liberty to withdraw the motion.

The question being taken, the motion to lay on the table was decided in the affirmative: Yeas 135, nays 56.

So the whole subject, as well as Mr. Bell's motion, was ordered to lie on the table.

ALTERATION OF THE RULES.

Mr. **VINTON** moved a suspension of the rules, for the purpose of offering the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following shall be a standing joint rule of the two Houses, viz: That after six days from the commencement of a second or other subsequent session of any Congress, except the final session of such Congress, all bills and joint resolutions, which originated in and had passed either House, and at the close of the next preceding session remained undetermined in the other House, shall be resumed and acted on in the House where it remained undetermined, in the same manner as if an adjournment had not taken place.

The motion to suspend was agreed to: Yeas 113, nays 45.

Mr. **HAWES** moved to postpone the further consideration of the resolution till Friday next.

After a few words from Mr. **VINTON**, the motion was disagreed to; and, after some remarks from Messrs. **MASON** of Virginia, **VINTON**, **MILLER**, and **SPEIGHT**,

Mr. **THOMAS** expressed an earnest hope that the rule would be adopted. He had some experience on this subject. The rule, if adopted, would operate chiefly on bills providing for the payment of private claims. Bills of a general character, which had passed one branch of Congress, were nearly all disposed of by the other House before an adjournment; because they did not fail to create sufficient interest to insure such action. It is otherwise with private bills. Many of them are acted on in one or the other House, without being finally disposed of before an adjournment. By our rules, as they now are, bills in this condition are in effect rejected. And at the next session the petitions which gave origin to them are to be presented anew, and the claims are to undergo a new examination. This proceeding imposes on the members of the House unnecessary labor. It often happens that the committees are changed in the mean time; and if only one new member is placed on a committee, the whole matter is to be re-examined, that he may act understandingly. By this means, members who pay attention to business in a committee-room are engaged in maturing these private bills for the action of the House, and must necessarily be deprived of a large proportion of that time needed to be prepared to take part in the proceedings of Congress on subjects of a more general character. The great mass of private business before Congress unavoidably prolongs greatly its sessions. If members could be relieved from the labor of examining and re-examining those private claims, by a rule which would insure final action on all which have been passed by either House, they could then lend their aid to give impulse to the proceedings of Congress on business of a public character. The rule ought to be adopted, not only to relieve the members of the House from unnecessary labor, but to insure a speedy payment to all claimants of their just dues.

Mr. **SUTHERLAND** moved the previous question; which was seconded by the House: Yeas 100, nays not counted; and the main question being ordered,

Mr. **HOWARD** asked for the yeas and nays, but the House refused to order them, and the resolution was adopted without a count.

HARBORS, &c.

On motion of Mr. **SUTHERLAND**, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. Lincoln in the chair.

Mr. **OWENS** rose to make an appeal to the House, which, when he stated the reasons for, he was sure the committee would attend to. He rose to move to give priority in the committee to the bill reported by the Committee of Ways and Means, making appropriations to carry into effect certain Indian treaties. Mr. O. conceived it to be the duty of the committee to take up the bill at once; and the reason he would give, he was satisfied, would induce them to act upon it without delay. He (Mr. O.) had received information from Georgia, from individuals of all parties, that the Cherokees were in a very distressed condition, being destitute of food; that many of them, men, women, and children, were traversing the country fifty and sixty miles from their residence in search of subsistence—those having means purchasing it; others depending on the charity of the people. At the time of the negotiation of the treaty, the condition of the Cherokee people was well known, they having lost their crops during the last fall by the early frosts. The exigency was provided for by the 18th clause of the treaty, stipulating that provisions be furnished them. Mr. O. therefore urged his motion, and regarded its adoption not as a matter of policy or political expediency, but as one of humanity, and could not anticipate its rejection.

Mr. **ASHLEY** objected, on the ground that he wished the Cumberland road bills first disposed of, as they had precedence in the order of the House.

Mr. Owens's motion was then negatived.

The committee then took up the "bill making appropriations for certain military and other roads, and for examinations and surveys, for the year 1836."

Mr. CORWIN moved to strike out the items in this bill for continuing the Cumberland road in the States of Ohio and Indiana, on the ground that they were embraced in another bill; which was agreed to.

Mr. CORWIN moved an amendment, for a road from La Plaisance bay to Chicago, $7,000. Agreed to.

Mr. ASHLEY proposed to amend the item in the bill providing for the construction of a road from the southern boundary of Missouri to Red river, by striking out the words "southern boundary of Missouri," and inserting "as the place of beginning, on the Mississippi, at New Madrid." Agreed to.

Various other amendments were submitted by Messrs. REYNOLDS of Illinois, ASHLEY, HARPER, MERCER, MASON of Virginia, JACKSON of Massachusetts, and GARLAND of Virginia, some of which were agreed to and others rejected; and after some remarks from Messrs. SUTHERLAND, ASHLEY, JACKSON of Massachusetts, KINNARD, MERCER, CORWIN, LANE, HARPER, PATTON, and GARLAND of Virginia, the bill was laid aside to be reported to the House.

The committee next took up the bill for the erection of a bridge across the river Ohio, on the route of the Cumberland road; which was considered, and the blanks filled up.

The bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois, and from the Mississippi river to Jefferson city, in the State of Missouri, was then taken up; and after some discussion between Messrs. REYNOLDS of Illinois, HAWES, MERCER, BOON, KINNARD, and VINTON, the committee rose without taking the question; and

The House took a recess till 4 o'clock

EVENING SESSION.

CUMBERLAND ROAD.

The House again went into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois.

The question pending was the motion of Mr. HAWES to strike out that part of the bill which provided that the road should be so graded as to permit hereafter the laying of rails thereon.

After some remarks from Messrs. HARDIN, ASHLEY LANE, and MERCER, the amendment was agreed to: Ayes 92, noes 38.

The bill was then laid aside, to be reported to the House.

The committee next took up the bill to continue the national road from the Mississippi river to Jefferson city, in the State of Missouri.

Mr. HAWES moved to strike out the clause in relation to grading the road with a view to lay rails thereon; which was agreed to.

The bill was then laid aside.

INDIAN TREATIES.

The bill making appropriations to carry into effect certain Indian treaties was next taken up.

The bill having been read through by sections,

Mr. ADAMS wished to be informed why the treaty had not been communicated to the House by the President, as had been customary. He had been told that it was contained in a document, and he should like to know what document it was, for he had not seen it.

Mr. CAMBRELENG rose, and gave the number and title of the document.

Mr. ADAMS said he had not seen that document, and he thought there were not many of the members of the House who had. He said it had been remarked that it was not customary for the President to communicate such treaties; and, in reply, he referred to the journals of preceding sessions, and read a message of President Jackson, to show that he had communicated a similar treaty with the Choctaws, to the end that Congress might make the appropriations necessary to carry it into effect. He said it was important that the document should be examined, not only to the members of the House, but because a large portion of the Cherokee nation protested that the treaty was not made by any competent authority. He had presented a memorial from that nation a few days ago, against the treaty, the reading of which he called for.

After the reading had been proceeded in for some time,

Mr. HOWARD objected to the further reading, saying it was a printed document.

Mr. ADAMS said it had not been laid on the tables till this day, and now the House was called upon to vote upon it.

[Cries of "go on, go on."]

The Clerk continued the reading of the memorial.

After some time, Mr. CAMBRELENG asked how much more was to be read, and if it was not the same document presented to the Senate when the treaty was before them.

Mr. ADAMS said, no; it was a document presented by him to the House.

Mr. WISE said he would call for the reading of every document that was before the Senate. If there was a charge that the treaty had been obtained by fraud, he would never vote a dollar to carry it into effect till that charge was removed. He would not aid in carrying into effect a fraudulent treaty against an ignorant and savage people.

The Clerk proceeded, and concluded the reading of the memorial.

Mr. ADAMS then moved that the committee rise and report the other bills, leaving this bill to be acted upon hereafter, when the House should be in possession of documents they had not seen, and which would fully confirm all the declarations of the memorial. He thought the House would perceive that this subject ought not to be decided hastily and without examination.

Mr. ADAMS moved to strike out the first appropriation for the Cherokee treaty.

Mr. WISE asked if the documents which were before the Senate had been before the House.

Mr. ADAMS said they were communicated with the memorial by him; they were confidentially communicated to the Senate by the President; and after the treaty was passed, and the injunction had been taken off, he obtained a copy by sending to the President. They were ordered by the House to be printed with the memorial, and why it had not been done he did not know.

Mr. WISE said he understood the gentleman, and he wanted to know if those documents had been communicated in any other way than by the gentleman himself.

Mr. ADAMS said, that was what he had complained of last week—that the President had not communicated the treaty and the documents connected with it, according to custom.

Mr. WISE said that, for one, then, he would agree with the gentleman from Massachusetts, never to vote one dollar to carry this treaty into effect; a treaty thus impeached by a memorial ably, reasonably drawn. Neither would he rely upon the documents in support of it, thus informally communicated by one of the Cherokee delegation to a member of the House. He wanted the documents from the President himself. The Senate had ratified the treaty, and had the documents in its favor; and it was the duty of this House to look into the causes and effects, especially the causes which had led to it. It was the duty of the House to look to the money of the nation; above all, to the honor of the nation; and in their action to see that they did not debase the character of the nation by the infliction of frauds upon the ignorant, and violence upon the helpless. Let him know that the honor of the nation is safe, that our character is not to be implicated by the execution of the treaty, and he did not believe any question of mere interest would prevent his voting the appropriation. He believed, he said, that, under these circumstances, the Georgia delegation, the honorable Representatives from that State, would let the House wait till it could see that the honor of the nation is not to be tarnished, now and hereafter, at home and abroad, by carrying this treaty into effect.

Mr. **CAMBRELENG** stated that it had not been customary for t he President to communicate such treaties to the House, though it had sometimes been done upon a call of the House upon the Executive therefor.

Mr. **OWENS** urged the committee not to delay their action upon the bill. If the committee intended to defeat the appropriation, they would agree to the motion of the gentleman from Massachusetts, that the committee should rise. He thought, if the appropriation was delayed four-and-twenty or eight-and-forty hours, it would be defeated inevitably. The documents, he said, had been before the House some time, and gentlemen could have informed themselves sufficiently upon the subject. If gentlemen would look at them, they would find that the wrongs set forth in the memorial were only imaginary wrongs; and that the treaty had been negotiated in an open, fair, and honorable manner. He then went at length into an examination of the history and details of the treaty, and called for the reading of two documents in opposition to the statements of the memorials. He argued that the memorial was not true in facts or principles, and was an attempt to impose upon the Senate and the House.

Mr. **WISE** replied at some length to the remarks of Mr. Owens. He said this was a treaty alleged to have been obtained by fraud, from a portion only of the Cherokee nation; and he would not vote to carry it into execution, till the allegation was fully answered by the documents in possession of the Executive. He spoke of the partial council by which the treaty had been agreed to, while many of the nation had been kept away by force; and asked if such a treaty, so obtained, was to be taken by the people of this country as one to be enforced, against the protest of a large portion of the Cherokee nation. He examined the character of some of the delegates, and particularly defended the character of John Ross, one of the delegates, who came on to oppose the ratification of the treaty by the Senate; and commented severely upon the character and conduct of Ridge, Schermerhorn, and others, who had made it. He spoke at length upon the treatment John Ross had received from the Georgia guard, as set forth in the memorial. He was the man who had swam the river at the battle of the Horseshoe, and at the risk of his life brought away the canoes of the hostile Indians; and he it was who had been turned out of his own dwelling, out of the house he had built, at an expense of ten or fifteen thousand dollars, by a Georgia guard, and his property was all given to others. This, he said, was the faith and humanity of a Christian, civilized nation! He said John Ross was well known to many members of the House to be an honest, intelligent man, worthy to sit in the councils of the nation, letting alone the councils of an Indian tribe; and his objection to the treaty, and he believed it to be an honest one, was, that it would goad on the people of his nation to resistance, which would sacrifice their lives, as well as those of many of the whites. He hoped the House would pause, and not appropriate the money till they had ascertained that it would be properly applied, consistently with the honor of the nation.

Mr. **WISE** then renewed the motion that the committee rise, and report the bills upon which they had passed to the House.

Mr. **OWENS** requested him to withdraw the motion, to let a document be read, showing the number of persons present at the making of the treaties.

Mr. **WISE** said, if that document was to be read, he must call for the reading of others.

Mr. **ADAMS** said, if that course was pursued, he should call for the reading of a document that would be found to have some point in it.

Mr. **WISE** then insisted upon his motion.

Before the committee rose, the Indian treaty bill having been laid aside,

Mr. **MERCER** moved some amendments to one or two of the bills heretofore acted upon; which were agreed to.

The committee having risen, and reported the several bills upon which they had concluded,

Mr. **WISE** asked leave to submit a resolution calling upon the President of the United States to communicate to this House the same information in relation to the Cherokee treaty, lately ratified, which was laid before the Senate.

Mr. **GILLET** objected, and Mr. **WISE** moved the suspension of the rules; which was agreed to.

The resolution being taken up for consideration,

Mr. **HAYNES** rose and said he had hoped that he should never again be involved in a general discussion of the Indian question; but the allegations, violent, gratuitous, and unjust, which had been preferred against the State of which he had the honor to be a Representative, by an honorable member from Massachusetts, [Mr. Adams,] made it his solemn duty to repel the assault, and to roll it back upon the assailant. I regret exceedingly, said Mr. H., that the honorable gentleman, whatever may have been his motive, (and that motive I shall not now attempt to investigate,) should have thought it necessary, in the discussion of a bill providing for the faithful performance of the treaty with the Creek Indians of the 24th March, 1832, to revive the exploded charges of injustice and oppression on the part of Georgia towards those Indians. Before proceeding to the discussion of the subject, I may be permitted to say, that the regret expressed by the honorable gentleman reminded me strongly of the occasion on which he uttered the same sentiment because he could not again throw back upon the people the choice of Chief Magistrate. As this historical reminiscence was involuntary, I trust the committee will bear with me for expressing it, not intending to inquire into his motive at the one time or the other. It is impossible to do justice to the defence in which I have been most reluctantly involved, without presenting a brief outline of the political history of this country in its colonial, revolutionary, and present state. The colonies, which afterwards became the original thirteen States of this Union, were either settled or acquired by the Government or people of Great Britain. Deriving their origin principally from a common ancestry, similar institutions were common to them all. Among the number, Georgia, as is well known to every one familiar with American history, was the last colony planted by the mother country.

In all the charters granted by Great Britain to the colonies, the principle was assumed, if not directly expressed, of the absolute right of the colonizing nation both to soil and jurisdiction of the countries thus colonized. It may, perhaps, have been heretofore contended, that the question of limits between the European discoverers of this continent had no reference to their right of soil or jurisdiction in respect to the aboriginal inhabitants.

But the slightest examination of the colonial charters will dissipate such an assertion in a moment. In no one instance, is it believed, did the Government or colonists of Great Britain base their right to settle this continent on the previous permission of its original possessors. Not intending to trouble the House any longer than may be indispensable to the performance of my present duty, I forbear such references to the colonial charters as would clear my position of the slightest reasonable doubt. The colony of Georgia, then, was placed on the same footing with her elder sisters in respect to the right of her people to a residence on this continent. As there were aboriginal inhabitants in all the original colonies, it became necessary at an early period of the existence of those colonies to establish some general principle of action towards them. And it is believed by the present speaker that the principle generally adopted by the colonies on that subject cannot be better illustrated than by reference to the doctrine said to have been delivered by a distinguished citizen of Massachusettts, on the anniversary commemoration of the landing of the Pilgrims at Plymouth, in Massachusetts, on the 22d day of December 1802. That distinguished individual is reported to have said, on the occasion referred to, that "The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and what they had annexed to themselves by their personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of a thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of the world? Shall he forbid the wilderness to blossom like the rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and rise again transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howling of the tiger and the wolf silence forever the voice of human gladness? Shall the hills and valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation!"

Could the principle which regulated the colonies from their earliest day of strength, and beyond which Georgia has never gone, have been more forcibly expressed, or eloquently illustrated, than in what I have just quoted? Can it be that in such wide-sweeping assertion of colonial right, the mind of the orator had narrowed its vision to the horizon of New England, and the defence of his own puritan ancestors? Who, that has heard the announcement of such a principle, could for a moment imagine that the mind which had adopted, and the tongue which expressed it with such eloquence and force, should now utter unmeasured denunciation against Georgia for having acted short of the extent of his own principle? That principle, if his illustrations are entitled to any weight, goes the whole length, not only of the forcible dispossession of the savage of every thing but his home and little spot of cultivation, together with such personal trifles as his labor has appropriated, but sanctions his entire ejection from it all. But it is not here necessary to dwell longer on the abstract doctrine of the honorable member from Massachusetts, [Mr. Adams,] as contained in his anniversary oration at Plymouth in 1802.

I shall now turn my attention, after a word or two upon the subject of the territorial limits created and established by the several colonial charters of the old thirteen States, and as confirmed by various public acts since the commencement of the Revolution, to the manner in which various colonies, particularly those in the middle and northern portions of this country, carried out the doctrine maintained by the honorable gentleman in 1802, in their legislative enactments for the government of the Indian tribes within their several limits. In proof of this assertion it is only necessary to advert to the statutes of a majority of the colonies on this subject. That Massachusetts considered Indians only entitled to the land improved and inhabited by them, is shown by a colonial law of 1633, "For settling the Indians' titles to lands in this (that) jurisdiction," in which it is enacted, "That what lands any of the Indians in this jurisdiction have possessed and improved, by subduing the same, they have just right unto."

"*And be it further ordered by this court and the authority thereof, and be it hereby enacted,* That all that tract of land within this jurisdiction, whether already granted to any English plantations or persons, or to be granted by this court, (not being under the qualification of right to the Indians,) is and shall be accounted the just right of such English as already have, or hereafter shall have, grant of lands from this court, and the authority thereof." Various other acts were passed by the colonial Legislature of Massachusetts from the year 1633 downward to 1747, in no one of which is the jurisdiction, entire and complete, over all the rights of the Indians, believed to have been in any manner relinquished, restrained, or diminished. Being necessarily obliged to go over a great deal of ground for the complete vindication of Georgia, the foregoing evidence from the colonial laws of Massachusetts is deemed sufficient to show that she claimed perfect and entire sovereignty over all the Indians and Indian lands within her limits. Next in order of time, I come to the colonial legislation of Virginia. So early as the year 1658, I find in her records the following provision: "*Be it hereby ordained and enacted,* That all the Indians of this colony shall and may keep those seats of land which they now have; and that no person or persons whatsoever be suffered to entrench or plant upon such places as the said Indians claim or desire, until full leave from the Governor and councillor commissioners for the place." Several other laws, regulating Indian affairs, were passed at different times between the years 1658 and 1705, inclusive, by the colonial Legislature of Virginia; but the extract just presented will suffice to show that the colony claimed and exercised entire jurisdiction over the Indians within her limits. In the year 1663, the colony of Rhode Island seems first to have exercised jurisdiction over Indians; and from the tenor of her enactment in that year, in regard to their lands, and the act of 1696, for restraining and governing their persons, she seems to have exercised as unlimited control over them as she could have done over her white inhabitants. By the act of 1663, it is ordained, "that no person or persons, for the future, shall purchase any lands or islands within this colony, of or from the native Indians within the same, but such only as are allowed to do so by the General Assembly, upon penalty of forfeiting all such lands or islands so purchased to the colony." By an act passed in the year 1696, it is provided, "that if any negroes or Indians, freemen or slaves, shall be found abroad after nine o'clock at night, at any time throughout the year, without a certificate from the masters, or some other English person of the family to which he, she, or they, belong, or some lawful excuse for the same, that then it shall and may be lawful for any person or persons to take, seize, and secure the same till next morning, and then bring them before an assistant or justice of the peace of such town, who shall, upon due proof thereof, cause said negro or negroes, Indian or Indians, to be publicly whipped at the public whipping-post of such town."

In the year 1672, the colonial Legislature of Connecticut adopted numerous regulations for the restraint and government of her Indians; among which was one providing "that no Indian or Indians shall, at any time, pawaw, or perform outward worship to false gods, or to the devil, within this colony, on pain of forfeiting the sum of five pounds to the public treasury of this colony, for any time any Indian or Indians shall be convicted of performing the same."

As further evidence of the criminal jurisdiction exercised by Connecticut over Indians, and especially for the benefit of those who have made such outcry because Georgia, of late years, has exercised similar justice towards them, I will offer one further extract from her act of 1672: "And whereas it is too manifest that the Indians, notwithstanding all counsel and advice to the contrary, have committed and still do commit murder, and kill one another, within the English plantations in this colony, and take no course that such justice be executed on such malefactors as may take off the guilt of blood from the land; which to prevent,

"*It is further enacted by the authority aforesaid,* That if any Indian or Indians within this colony shall wilfully and violently fall upon any Indian or Indians within this colony, and upon the English land, (except it be such as they are at open war with,) and murder him or them, and be thereof legally convicted, every such Indian or Indians shall suffer death."

In addition to the highest criminal jurisdiction thus exercised by Connecticut, the last extract contains the singular provision of legalizing Indian wars within her limits. One more reference to the colonial law of Connecticut, and I shall pass to another colony.

In 1717, the Legislature of Connecticut passed "An act concerning purchases of native rights to land."

"This Assembly, observing many difficulties and perplexities arising in this Government, by reason of many purchases of land made of Indian titles, without the preceding allowance or subsequent approbation of this Assembly; which to remove, it is hereby enacted and declared by this Assembly, and the authority thereof, that all lands in this Government are holden of the King of Great Britain as the lord of the fee, and that no title to any lands in this colony can accrue by any purchase made of Indians, on pretence of their being native proprietors thereof, without the allowance and approbation of this Assembly." Other acts were passed by the colonial Legislature of Connecticut, relative to Indians, in 1717, 1722, and 1750, but the foregoing will show most clearly that the colony assumed unlimited control over them and their lands.

In the year 1700, the colony of Pennsylvania is believed first to have exercised her jurisdiction over the Indian lands, and her legal records show under that date "An act against buying land of the Indians," which contains the provision, "that if any person presume to buy any land of the natives within the limits of this province and territories, without leave from the proprietors thereof, every such bargain of purchase shall be void, and of no effect." In 1721, she passed "An act to prohibit the selling of rum, and other strong liquors, to Indians, and to prevent the abuses that may happen thereby," reserving "that the Governor and council, or persons by them authorized and appointed to hold treaties with any nation of Indians, may, at such treaties, give any reasonable quantity of rum, as by them shall be thought necessary, any thing herein contained to the contrary notwithstanding."

And I find that, in the year 1744, colonial Pennsylvania assumed the jurisdiction for which Georgia has within the last six or seven years been so much derided by some, and passed "An act for the speedy trial of capital offences, committed by any Indian or Indians in the remote parts of the province." In this act it is provided "that all murders, manslaughters, homicides, felonies, and offences, whatsoever, and accessaries of the same, which by the laws or acts of Assembly of this province are declared capital, or felonies punishable by death, which already have been committed, perpetrated, or done, or shall hereafter be committed, perpetrated or done, by any Indian or Indians, within this province, in places remote from inhabitants, as aforesaid, all and every such offence and offences, in whatsoever place and county the same hath happened, or shall happen, shall henceforth be inquired of, heard, adjudged, and determined, before the justices of the supreme court, or the justices of the courts of oyer and terminer and general gaol delivery, to be held in the county of Philadelphia, by indictments, inquests, and verdicts, to be taken of good and lawful men, inhabitants of the same county, in like manner and form as if such capital offence or offences had been committed, perpetrated, or done, within the said county, any law or usage to the contrary thereof in anywise notwithstanding."

There is in this last act of the colonial Legislature of Pennsylvania one feature, which shows, that however well the general doctrines of criminal law might have been understood in that day, the injustice of passing *ex post facto* laws does not seem to have been duly considered. New Jersey entertained and exercised jurisdiction over Indian lands so early as 1703, as appeared by an act of her Legislature, passed on the 13th of December, of that year, entitled "An act for regulating the purchasing of land from the Indians," by the second section of which it is enacted, "that if any person or persons shall presume to buy, purchase, take gift, or mortgage, or lease, of any land, contrary to this present act, he or they so offending shall forfeit forty shillings, money of this province, for each acre of land so obtained," &c. &c. Maryland exercised jurisdiction over the Indians within her limits, by legislative action, at different times between the years 1704 and 1723, inclusive. North Carolina, 1715 and 1748; and New Hampshire also in 1715. The latter State, in the year 1715, passed "An act to prevent and make void clandestine and illegal purchases of lands from the Indians," by which it was enacted, "that all deeds of bargain, sale, lease, release, or quit-claim titles, and conveyances whatsoever, at any time or times since the year of our Lord one thousand seven hundred, without the license or approbation of the General Assembly of this province; and all deeds of bargain and sale, titles, and conveyances whatsoever, of any lands within this province, which hereafter shall be had, made, obtained, gotten, or procured, from any Indian or Indians, by any person or persons whatsoever, without the license, approbation, or allowance, of the General Assembly of this province, for the same, shall be judged in the law to be null, void, and of none effect, to all intents and purposes, as though they had never been made." South Carolina exercised jurisdiction over the whole Indian country within her limits as early as the year 1739, by enacting that no purchase of lands from the Indians should be made but by the King of Great Britain or the colonial Government, on the pain of forfeiture. In 1786, that jurisdiction was enforced towards the Cherokees, by assigning them, temporarily, a tract of country for their occupancy; and in 1808, entire sovereignty was exercised by that State over the Catawba Indians.

Thus stood the jurisdiction of the colonies which have been mentioned, in reference to the Indians within their several limits, at the commencement of the American Revolution. This subject has not been passed in review before the committee in an unfriendly spirit, or for the purpose of recriminating any one of the States to the early legislation of which I have thought it necessary to advert, but to show, from the most unanswerable evidence, that the same jurisdiction, and in some instances more, than is exercised by Georgia, was exercised and enforced by the early legislation of a large number of the original colonies. I do not know, if the proper means had been within my reach, that I might not have discovered similar evidence in the history of all. It cannot matter in what manner entire sovereignty and jurisdiction may have been exercised by any one of the States in her colonial or present condition; the fact of its exercise is all that is wanting to justify Georgia in exercising her rightful jurisdiction by their example. It thus appears that the American Revolution found the colonies in unrestrained exercise of jurisdiction over the Indians within their respective limits. I will now proceed to show that such jurisdiction has not been limited or restrained in any manner, either by the articles of confederation or the present constitution, except in the single particular of regulating commerce with the Indian tribes; and that if the claim to exclusive legislation over them is set up under that grant of power, it may with equal propriety be set up as against the States of this Union; and if it can be supported against them, this is indeed a Government without limitation of powers.

It might be sufficient for my argument, to show that, although Indians have remained imbodied in most of the original thirteen States ever since the declaration of independence, no authority has been claimed for the General Government, either under the articles of confederation or the present constitution, even for the exercise of the commercial power over them, much less the odious usurpation of exclusive legislation, as attempted to be set up against the State of Georgia. It has been already shown that many of the colonies exercised, under the authority of their charters, entire powers of legislation over the whole extent of their limits, long before the declaration of independence; that they derived these powers over the countries included in their charters from the British Crown; and it is fearlessly asserted that the jurisdiction of Georgia, under her charter, was as unlimited as the rest. To show this, it is only necessary to refer to the proclamation of the King of Great Britain in 1763, wherein the countries in possession of Great Britain, within her colonies, and occupied by Indians, were reserved under "her sovereignty, protection, and dominion." It is true, that the "sovereignty, protection, and dominion," claimed by the King of Britain, were said to be for the benefit of the Indians; but it is not the mode of its assertion and exercise that is at issue between Georgia and her enemies, but the sovereignty actually asserted and exercised by Great Britain throughout the whole extent of her American colonies, and which passed to each, respectively, fully, and completely, upon the establishment of their independence, and its acknowledgment by Great Britain, saving and excepting as it had been curtailed and abridged by the articles of confederation, and subsequently by the constitution.

But how have the original powers of the respective States been affected by the various acts which, for all external and many internal purposes, have made us one people? The first act of union was the declaration of independence, and as its acknowledgment by Great Britain operates retroactively, it will be proper to inquire whether the declaration of independence modified in any manner the power or authority of the several colonies within their limits. It bound the colonies to a common and the holiest cause—the vindication of their liberties—against the odious oppression of the mother country. But, except this pledge to fight out the battle of liberty to the last, it is not perceived that the declaration of independence modified in the slightest degree the internal jurisdiction of the several States, nor do I believe that the contrary opinion can be sustained for a moment. Then, agreeably to what has already been shown, the power and jurisdiction of the several States, at the acknowledgment of their independence by Great Britain, was precisely what had been asserted and exercised by her authority within their limits, except so far as they had been limited and restrained by the articles of confederation. I will now endeavor to show how far the entire sovereignty, conquered for the several States from Great Britain, has been affected by the articles of confederation, or the constitution which has since been substituted for it. But as the subject under consideration relates exclusively to the jurisdiction rightfully belonging to the State and Federal Governments with respect to Indians, I shall confine my inquiries and illustrations to that subject, adverting to other portions of our organic law only so far as it may serve to throw light upon this.

In illustration of my subject, I shall remind this House, that, by the second article of confederation, "each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled." In the distribution of powers conferred by that instrument upon the United States, it is further provided in the fourth paragraph of the ninth article, that "the United States in Congress assembled shall also have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States: *Provided*, that the legislative right of any State within its own limits be not infringed or violated." Thus, in point of principle, was the power of the confederation over the Indian tribes, with respect to their government within the States, left precisely as the parties found it. Great Britain claimed, and, for every purpose of her interest or convenience, exercised entire sovereignty over Indians within the limits of her colonies; and most of the colonies, with or without reference to her sovereignty, exercised unlimited control over them; and the declaration of indepencence and its acknowledgment by Great Britain, placed the respective States in possession of all the power ever claimed and asked by her. That power was entire sovereignty and legislation over the Indians, which, within the States, was not impaired or diminished by the articles of confederation, but is expressly saved by the proviso to the power conferred on the Union in respect to the Indians. The best exposition of a law is to be found in the uniform and long-continued mode of its enforcement. Applying this rule, there is no difficulty in determining that the several States understood the articles of confederation in the sense which I have given to it, as they continued to exercise the same jurisdiction over Indians which they had exercised in their colonial state, and that was complete and entire sovereignty. In addition to the numerous examples of colonial legislation already brought to the notice of the House, it may be further established by reference to the legislation of Virginia in her constitution of 1776, an act of the Legislature of 1777 for establishing a general court; by the constitution of New York in 1777, her act for Indian affairs passed in 1783, and her more recent legislation on the subject in 1813 and 1822, as well as her judicial decisions; by the Legislature of Rhode Island in 1783; of North Carolina in 1778 and 1783; and of Georgia in 1789 and 1796, as well as more recently. It is obvious, from these illustrations, drawn from the colonial and State legislation prior to the establishment of the federal constitution, that the several colonies and States claimed and exercised entire jurisdiction over Indian affairs. Nor is it believed that any attempt has ever been made to interfere with either of the old thirteen States on this subject, so as to control her municipal regulations, but the State of Georgia.

Desiring to despatch this subject, which can be but of little interest to this House, compared to what I feel in it as a Georgian, I will now pass to a very brief inquiry into the powers conferred by the States in the federal constitution, for the regulation of Indian affairs, and the manner in which those powers have been executed. It will be recollected, that whatever power or jurisdiction may have been claimed by the Government of the confederation on one side, or the respective States on the other, in regard to Indians, the subject is now entirely regulated by the constitution.

In examining the present constitution, it is found that it contains a single grant of power over Indians to the Federal Government, and a single restriction upon the States. The grant of power is to be found in the third clause of the eighth section of the first article of the constitution: "To regulate commerce with foreign nations, among the several States, and with the Indian tribes." It is of the last importance, in considering this clause of the constitution, to bear in mind that the commercial power, in its three several branches, is conferred in the same terms, so far as regards their import, and that the power is commercial only. It is also of the greatest importance to remember, that as it embraces all foreign nations with which we may desire or must carry on commercial intercourse, so it embraces all the States of this Union, and all the Indian tribes within the whole range of the United States. In the further investigation of the subject, it should be recollected that the same uniform course has been pursued in the establishment and maintenance of commercial intercourse with foreign nations; they have been treated as equal and independent communities, and trade and commerce with them regulated by treaty stipulations. A similar principle has been acted upon towards the States of this Union; they have been treated as a community of equals, and the commercial intercourse between them regulated by the principles of the constitution. Nothing else has been mixed up with it; because mistaken or vicious politicians did not find it necessary to derive from it a pretext for intermeddling with their internal jurisdiction over their own people. Nor has the enforcement, or attempted enforcement, of the commercial power over the Indian tribes, in its general operation upon the original States of this Union within which such tribes are or have been situated, been carried beyond the letter or spirit of the constitution. Indeed, in all of them, except the States of North Carolina and Georgia, there has never been any attempt to exercise even the naked power to regulate commerce with an Indian tribe within their limits, much less any attempt to derive from this commercial grant the power of exclusive legislation over them. From the examples shown of the mode of enforcing the commercial power, by the Federal Government, towards foreign nations and among the States, it is obvious that no attempt has ever been made to derive, by any implication whatsoever, any other power from that grant.

It is, therefore, inconceivable, how such an attempt should ever have been made to extract from the grant of the naked power "to regulate commerce with the Indian tribes," the power of exclusive legislation over the persons and territory of any one of these States, especially when the commercial power itself has never been attempted to be exercised; but by at least one act of Congress, and that the act by which the various acts of usurpation towards Georgia have been attempted to be justified, has been expressly reserved from exercise in all the old States containing Indian tribes, but North Carolina and Georgia: I mean the intercourse law of 1802. If the power to regulate commerce with the Indian tribes confers on Congress exclusive legislation over persons and things in the countries occupied by them, it confers equally exclusive powers within the respective States of this Union; as exclusive power over white men at Milledgeville, or over red men at New Echota or elsewhere, in the Cherokee nation. The power in each case is conferred in the same clause of the constitution, and in terms equally comprehensive and unlimited. How, then, can it be pretended that Congress possesses it, in every thing relating to Indians and the territory occupied by them within a State, without carrying along with it the claim to exclusive jurisdiction of the citizens of the several States? The claim is as monstrous and absurd in the one case as the other. I know it may be said, as it has been, that the older States have acquired jurisdiction over the Indians within their limits at an early period, by their voluntary consent; and therefore may have rightfully exercised it, forasmuch as such tribes were not contemplated at the formation of the articles of confederation, or afterwards, when the present constitution was framed. I deny this; for the grant of power in reference to Indians in both instruments is general and unrestricted as it respects the States; and if such voluntary surrender had been previously made by the Indians, by these grants of commercial powers the respective States delegated so much of the Indian jurisdiction to the Union. Either it was the duty of the Federal Government to have exercised the jurisdiction heretofore claimed towards Georgia over the Indians in every State of this Union, or a gross usurpation has been attempted towards Georgia in the efforts heretofore made to enforce such power upon her. It may be said that the exercise of the commercial power towards the States is restrained and limited by the guaranty of a republican government to each of the States of this Union, and by that amendment which declares "that the powers not granted by the constitution to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people." If this be so, and it is admitted, the same provisions of the constitution afford equal protection to the States against the exercise by the Federal Government of exclusive jurisdiction over Indians within their limits. But there are other provisions of the constitution which bear with peculiar force upon this subject. It is declared that "no new State shall be formed or erected within the jurisdiction of any other State." Yet, according to the honorable gentleman, Congress had the right to erect the Cherokee State within the jurisdiction of Georgia, without her consent, and against her most solemn declarations to the contrary. But I may, before I conclude, show another and not less glaring attempt to trample upon the rights of Georgia, by an ancestor of the honorable gentleman, when he filled a high place in this Government. To return to the subject immediately before me. As the power conferred upon Congress to regulate commerce among the States has been justly so interpreted as to include nothing else, and to leave them in the possession and exercise of all powers not granted to the Federal Government, nor prohibited by the constitution over their white citizens, it is equally clear that it includes nothing else in reference to Indians, and that they are as fair and constitutional objects of the legislation of the States for every thing else, as any other description of persons within their limits. I will now turn for a moment to the only direct restriction which the constitution imposes upon the States, with regard to Indians, having disposed of the indirect restriction growing out of the power conferred on Congress to regulate commerce with the Indian tribes. It is this: that in making up their representative numbers, the several States shall not include "Indians not taxed."

If the States only possessed such powers as had been conferred upon them by the constitution, it would be an irresistible inference, from the terms of this restriction, that the States may include, in their representative numbers, Indians who are taxed; and of consequence that they may tax them for that purpose. But the rule of interpreting the constitution is this, and it is emphatically established by the tenth amendment: "That the respective States retain every power which they have neither delegated to the Federal Government nor prohibited to themselves." They have not done the one or the other with regard to the government of the Indians; they have conferred the same commercial power, and no more, in the one case as the other; they have the right to tax white men, and they have an equal right to tax Indians; and the constitution places taxed white men and taxed Indians on the same footing of federal enumeration. Will the honorable gentleman from Massachusetts, or any other gentleman, inform this House whether, at the formation of the federal constitution, there was one taxed Indian in the United States? I have not yet learned that there was one; and if not, it goes most strongly to support my argument on the subject. So far as I know or believe, the first serious attempt that was persevered in, which has ever been made to interfere with the territorial rights or jurisdiction of Georgia with respect to Indians within her limits, was made by the immediate successor of General Washington—for what cause I know not, unless it was that she gave her electoral vote, in 1796, to Thomas Jefferson; and attempts of a similar character were revived and attempted to be enforced upon her in 1825 by the then President of the United States. Georgia then stood in a similar attitude, having given her presidential vote in 1824, and her vote in this House in 1825, in favor of another individual, one of her own distinguished sons. I have shown, by reference to the legislative and other historical memorials of this country, that the several States in nowise impaired or restricted their jurisdiction over Indians by the adoption of the federal constitution, than they impaired and restricted their jurisdiction over any other description of persons within their several limits; and that a large number of them, so large as to establish the rule under the constitution, have continued to exercise unlimited and undisturbed authority over them, while attempts have been made, for what purpose I shall not here inquire, to make Georgia an exception to that rule.

Notwithstanding the attempts which have been made from time to time to interfere with the jurisdiction of Georgia over the Indians within her limits, she has not ceased to claim, until finally she has been permitted, without further molestation, to exercise her unquestionable right.

In 1796, it is well known that the United States, by commissioners, entered into what was called the treaty of Colerain, with the Creek Indians; but it may not be equally well known that the State of Georgia appropriated money to defray the expenses of that treaty, and for carrying its provisions into effect, (as will be seen by the act of her Legislature passed in the year 1796,) to an amount exceeding thirty-five thousand dollars.

It may not be generally known that the commissioners who negotiated that treaty entered into stipulations with the Indians which were derogatory to the territorial rights and jurisdiction of Georgia; that the Legislature of Georgia protested most solemnly against those stipulations, and that upon its ratification the Senate of the United States expressly excepted and reserved to Georgia her claim of territorial right and jurisdiction; yet such were the facts.

From the date of the treaty of Colerain, and the protest of Georgia, and the recognition of the principles of that protest by the Senate, no new occasion is believed to have occurred to produce collision between Georgia and this Government until the year 1825. But, as formerly hinted, very soon after the first President of the United States closed his second term of office, his successor turned his eye to the wild lands of Georgia; and although the southern boundary of the United States had been settled by the treaty of San Lorenzo el Real, according to the southern boundary of Georgia, as defined in the proclamation of George the third, in 1763, and reaffirmed in the preliminary articles of peace with Great Britain in 1782, and finally by the definitive treaty with that Power in 1783, within a short period after the conclusion of the treaty with Spain by which the question had been thus settled, the then President of the United States recommended, and Congress passed, acts creating a Territorial Government within the limits of Georgia. That President was a distinguished citizen of Massachusetts, and not unknown to the member who now arraigns the conduct of Georgia in terms of such unmeasured condemnation. Why did not the same President recommend the establishment of a Territorial Government upon the wild lands of Massachusetts, now within the State of Maine? The southern boundary of the Union was settled according to the chartered limits of Georgia, and the northern and northeastern boundary in conformity with the original charters of the colonies there situated, now members of the Union. What better right could exist for usurping and tyrannizing over Georgia than the rest, it cannot be possible for the human mind to conceive. This outrageous and unjust oppression of Georgia was finally settled and disposed of by her compact with the United States in 1802. I will here, sir, once for all, before going further with any other branch of my inquiry, show the ground upon which that compact placed the relations of the United States and Georgia. By it Georgia yielded no right previously asserted or exercised by her, but she acquired from the United States the obligation on their part, on certain conditions, to remove the Indians from within her limits. It is worthy of remark, that the subject of that compact was the transfer by Georgia of a large portion of her southern territory to the United States.

It should be further observed, that the intercourse law, as it has been generally termed, which in its provisions exempted the Indians, in all the States which had claimed or exercised jurisdiction over them, from its operation, except in North Carolina and Georgia, was passed on the 30th of March, 1802, and that the compact with Georgia was entered into on the 24th of April, 1802—twenty-five days afterwards. Why the intercourse law should, by its provisions, have exempted the Indians, in a large number of States, from its operation, without giving to the two States mentioned the same exemption, it is not necessary to inquire, nor can it be explained upon any just principle. This is the act by which most or all the attempts to deprive the State of Georgia of her rightful jurisdiction over all the soil and all the people within her limits have been justified.

The compact between the United States and Georgia was entered into after the passage of the act regulating trade and intercourse with the Indian tribes, as I have already shown; and if it contains any thing incompatible with that compact, leaving any constitutional question out of view, it must so far repeal that act.

By the compact, as has been already stated, Georgia ceded to the United States "all the right, title, and claim, which the said State has to the jurisdiction and soil of the land situated," &c., (describing the land thus ceded to the United States.) "The United States accept the cession above mentioned, and on the conditions therein expressed; and they cede to the State of Georgia whatever claim, right, or title, they may have to the jurisdiction or soil of any lands," &c., (describing the lands which Georgia reserved to herself.) Can plain, practical common sense discern the slightest difference between the respective stipulations of the parties? It would be impossible. How, then, does it happen, when the United States, from the day this compact was ratified by the Legislature of Georgia in June, 1802, have been in undisturbed possession and enjoyment of "soil and jurisdiction," as ceded by Georgia, and have actually erected two States thereon, and Georgia shall not have and exercise the "soil and jurisdiction" ceded to her, particularly as the terms of the cession from the United States are so broad, and the designation of the country so general in its terms, as to embrace the whole territory of Georgia? From the period just mentioned, I do not now remember that Georgia had any difficulty with the Indians, or their white champions, until the year 1825, except their hostility during the late war with Great Britain.

Cessions of land were obtained from time to time by the United States, from the Creek and Cherokee Indians, in compliance with the obligations of the United States to Georgia; and however irregular her Government might have thought it to form treaties with Indian tribes, as they were made in fulfilment of obligations to herself, she did not throw any obstruction in their way, on account of the mode in which the General Government might fulfil its stipulation with her. Taking the subject as much as I can in chronological order, it may be most proper for me here to repel a portion of the charge made by the member from Massachusetts. That member would have it believed that the course of Georgia towards the Indians within her limits has been uniformly cruel and unjust.

Sir, the Indians themselves, and the archives of this Government, prove the contrary. So early as the year 1790, the Creek Indians, by the treaty of New York, stipulated to return to the State of Georgia its citizens who had been carried prisoners into their nation, and the property which they had taken from the people of Georgia. In 1796, by the treaty of Colerain, they again bound themselves to restore prisoners and property which they had carried away from Georgia. By the treaty of Fort Wilkinson, in 1802, they appropriated five thousand dollars for the indemnification of citizens of Georgia, upon whom their people had committed depredations subsequent to the treaty of Colerain, in 1796. More than this. So far from war with them having been provoked by the people of Georgia between 1790 and 1796, the history of the times shows that Georgia was not in a condition to have provoked it. That President Washington ordered the Governor of South Carolina to aid in the defence of Georgia, if it should be necessary, as it was certainly believed to be, or no such orders would have been given. In truth, and in fact, it was but part of that general Indian war which involved so much, if not all, our Western frontier, and which was brought to a conclusion mainly by Wayne's victory at the falls of the Miami, in August, 1794. It is unnecessary to dwell on the treaties made with the Creeks and Cherokees, between 1802 and 1821. It is important to give a passing notice to this latter treaty, inasmuch as it recognised the justice of the claims of the people of Georgia, for indemnification of the losses sustained by the incursions of the Creek Indians, previous to the 30th of March, 1802, and provided the sum of $250,000 for their payment, without interest. But that sum was considerably less than the aggregate of losses actually sustained by the people of Georgia, at the hands of the Creek Indians. I have no doubt, that if all the just claims could be paid, with interest, from the time the depredations were committed, the aggregate would not fall short of a million of dollars. If I have shown a voluntary acknowledgment by the Creek Indians, so late as 1821, of a debt due the citizens of Georgia for spoliations committed upon them by those Indians prior to 1802, I think the charge of the member from Massachusetts is fully answered, and overthrown, down to that period. I will now examine a portion of the history of this subject, in which the honorable member may feel a deeper interest than in any portion of the long and uninteresting detail which I have felt it my duty to offer to the House for the full and perfect illustration of the subject. I speak of the treaty concluded by commissioners of the United States with the Creek Indians, at the Indian Spring, in February, 1825, and ratified early in the month of March thereafter. This treaty had the singular fortune to be communicated to the Senate by Mr. Monroe, and officially promulgated after its ratification by his successor. I presume it is in reference to this treaty that the honorable gentleman says of Georgia, "She bade defiance to the authority of the Government of the nation; she nullified your laws; she set at naught your executive and judicial guardians of the common constitution of the land." Sir, I have shown that, in all she has done in reference to Indians, Georgia has kept herself within the pale of the "common constitution of the land," as the same has been understood or acted upon by a large majority, indeed nearly all her sister States, with whom she concurred in its establishment; and the facts and arguments which I have presented entirely overthrow the unsustained assertion, even of an ex-President of the United States. But to return to the treaty. By the second article of that treaty, among other things, there is this stipulation: "The United States agree to pay to the nation emigrating from the lands herein ceded, the sum of four hundred thousand dollars, of which amount there shall be paid to the said party of the second part, (the Indians,) as soon as practicable after the ratification of this treaty, the sum of two hundred thousand dollars." And it was further stipulated, in the fifth article, "at the particular request of the said parties of the second part, that the payment and disbursement of the first sum herein provided for shall be made by the present commissioners negotiating this treaty." The necessary appropriation was made, at the same session of Congress at which the treaty was ratified, to carry it into effect. In compliance with the provision of the treaty requiring the sum of two hundred thousand dollars, to be paid "as soon as practicable after the ratification of this treaty," and to be paid by the "commissioners negotiating it," that sum was placed in the hands of Duncan G. Campbell and James Merriwether, the commissioners, to be paid over according to the provisions of the treaty. As the cession of land obtained by the treaty was for the use, benefit, and occupancy, of the people of Georgia, the Governor of that State issued his proclamation on the 22d of the same month, (of March,) "warning all persons, citizens of Georgia, or others, against trespassing or intruding upon the lands occupied by the Indians within the limits of this State," although the treaty surrendered all the lands claimed by the Creeks within the limits of Georgia. On the 18th of April, 1825, Governor Troup issued his proclamation convening the Legislature, to take into consideration the disposal of the lands acquired by the then late treaty with the Creek Indians. The Legislature convened on the 23d of May thereafter, and within a few days passed an act disposing of the acquired territory by lottery, the mode of distribution which had been pursued for more than twenty years.

This act did not authorize the immediate occupancy of the lands, but provided for its survey at an early period. Was there a subsisting treaty with the Creek Indians to all the lands then occupied by them within the limits of Georgia? There was, as I have already shown, and money appropriated and placed in the hands of the commissioners for making payment of the first instalment stipulated by it. Who, then, nullified the treaty? Georgia, by her act to survey the land, and draw a lottery for it, when the consummation of that treaty made the land the rightful property of her citizens? Certainly not. Who, then, was the nullifier? The then President of the United States; for it was he who arrested this treaty, this supreme law of the land, on his mere motion, his own will and pleasure, and not the Government or people of Georgia. The constitution makes all treaties a portion of the supreme law of the land, with which the President of the United States has nothing to do but to execute them. But, as I have said, the President of the United States did arrest the operation of the treaty of 1825, by arbitrarily withdrawing from the commissioners the money which had been appropriated by Congress, and placed in their hands to be paid over "as soon as practicable," under the provisions of the treaty. It matters not what was the pretext for so doing; the act was done, and done for the purpose of arresting the operation of a supreme law of the land. I again say, that in the contest which occurred between the Government of Georgia and the Executive of the United States, in 1825, and what grew out of it, John Quincy Adams, the then President of the United States, was the nullifier, and that the authorities of Georgia were only struggling to sustain a "supreme law of the land." I know that this course has its attempted justification of fraud or irregularity in the making of the treaty referred to, but I also know that a President of the United States must execute the law as he finds it, allowing to him a just exercise of his judgment whether it violates the federal constitution. I very well remember the principal incidents of a public nature which occurred at the time referred to, and within the following years of the presidential term of the then Chief Magistrate. The plea of fraud was set up to cover his nullification, under which he attempts to justify his charges against Georgia. I will inquire into some of the incidents connected with the honest treaty concluded by him with a Creek delegation at this place early in the year 1826, and ratified on the 24th of April of that year. But, before proceeding, permit me to remark that the land acquired by the treaty of 1825 passed immediately to Georgia, and that she had a perfect right to adopt her own legislation over her own property, subject only to the temporary occupancy secured by the treaty to the Indians. The treaty of 1826 was ratified on the 24th of April; and the day after, the members of the honest delegation called on the Secretary of War to make arrangements to distribute the amount stipulated by the treaty to be paid to the chiefs, head men, and warriors, of the Creek nation, namely, the sum of $217,000. They presented a catalogue, whereby it was proposed to divide of that sum, among twenty-one Creeks and three Cherokees, one hundred and fifty-nine thousand seven hundred dollars. The Secretary advised them not to make such distribution, but adopted no measure to prevent it.

In the progress through Congress of the bill for carrying the treaty into effect, the fact was communicated to a Senator that twenty-one Creeks and three Cherokees were known to intend to divide among themselves the sum I have just mentioned. In consequence of such information, the Senate amended the bill so as to require the payment of the $217,000 in full council in the nation, upon the certain calculation that the fraud, here made known, would be there prevented.

But, strange as it may appear, I have been informed, and upon evidence entitled to undoubted credit, that this honest delegation, with which the then President negotiated his treaty of 1826, adding two others to their list, did actually divide, between twenty-three Creeks and three Cherokees, the latter receiving an aggregate of $40,000, one hundred and sixty-seven thousand eight hundred dollars of two hundred and seventeen thousand to be distributed between the chiefs, head men, and warriors, of the Creek nation. Is it not wonderful that the sensibillity which arrested a supreme law of the land in 1825, on suspicion of fraud, should have permitted a transaction, subject to his own official supervision, to be stamped by such indelible evidence of the same in 1826? If further proof be necessary to establish the readiness of Georgia to abide by the decision of Congress and her co-States, it will be found in the memorial and remonstrance adopted by her Legislature in December, 1826, upon this subject.

This remonstrance was intended to set forth the causes which had disturbed the harmony previously existing between the State of Georgia and the Executive of the Union, from the time the President of the United States, of his own will and accord, nullified the treaty concluded at the Indian Spring, in February, 1825. It was nothing more nor less than an appeal to Congress and the other States against the arbitrary conduct of the Chief Magistrate of the Union. In proof of the spirit from which it sprang, it is only necessary to make a few references to its preamble, in which it will be found that the whole subject in controversy was submitted to Congress and the other States of the confederacy. The memorial distinctly states that, "in the good feeling and sincerity of the States we have the most undoubted confidence; in the integrity of purpose, honesty of motive, and fidelity of service, of the National Legislature, we cannot feel one distrustful emotion. Before that body we believe we can be respectfully heard, and to that body we as firmly believe the crisis has arrived when it becomes necessary to prefer a solemn appeal." Again, after enumerating the causes of complaint against the Executive alone, the memorial uses this forcible language: "It is a matter of anxious and fearful contemplation, what must be the result of this collision, if we fail to enlist the well-known justice and prudence of that part of the General Government to which we have now been compelled reluctantly to appeal." "We cannot but trust that the authority (Congress and the States) to which we have now referred these unhappy differences will duly appreciate the motive as well as the object of this appeal. Our reliance is on the wisdom and justice of the nation." "We want nothing that does not fairly belong to the State sovereignties. To whatever our sister States will submit, in that we must acquiesce. If they would be contented with the treatment Georgia has received, and will come out with a public declaration of the fact, from that moment our complaints are hushed. We threaten no consequences: it would be idle and vain to do so." The memorial concludes with the following resolutions:

"*Resolved*, That a separate copy of this report, with the documents necessary to support the facts therein detailed, be forwarded by his excellency the Governor to our Senators and Representatives in Congress, to be by them respectfully presented to each branch of Congress, with a request that they use their best exertions to have redressed the grievances of this State, in the various particulars to which this report has reference, and, for the future harmony of the States, to request of that body to make an explicit declaration of the rights that belong to the National Government, and those which belong to the State of Georgia, (and consequently to the other States,) resulting from the immediate difference of opinion specially enumerated in the foregoing report.

"*Resolved*, That his excellency the Governor be requested to forward also a copy of this report and documents to the Governor of each State in the Union, with an earnest and respectful request that he lay the same before the Legislature of his State; and they are hereby most affectionately and respectfully solicited to express to this State whether they are prepared to admit the foregoing principles, and the powers growing out of them, as belonging to the General Government, and whether Georgia is bound, and must submit to the treatment which she conceives she has most wrongfully sustained at the hands of the executive department of the General Government."

From the references which I have made to the memorial of Georgia in 1826, it is manifest that it breathes any thing but defiance and contumacy towards the Government of the Union, unless a nullifying Chief Magistrate alone constituted that Government. In what stronger terms of confidence and affection could the Legislature of Georgia have appealed to the wisdom and justice of Congress, than by "requesting that body to make an explicit declaration of the rights that belong to the National Government, and those which belong to Georgia, (and consequently the other States?) Or how could she have more strongly expressed her readiness to abide by the decision asked, both from Congress and the States, than by pledging herself that "to whatever her sister States would submit, in that she would acquiesce? and if they would declare that they would be contented with the treatment Georgia had received, from that moment her complaints would be hushed, distinctly stating that she threatened no consequences, for it would be vain and idle to do so. Upon the examination which I have made of the allegations of the honorable gentleman, so far as his charges have reference to the collision between Georgia and himself, as Chief Magistrate of the Union, I know of no other illustration of his accusations so appropriate, within the whole range of fact or fable, as the quarrel fastened by the wolf upon the sheep for polluting the stream, by drinking from it below him. Georgia voted against him in her electoral college in 1824, and in this House in 1825, and held up his arbitrary conduct towards her in the years 1825, 1826, and 1827, to the just indignation of the American people; and it seems that he has not yet forgiven her for the one or the other, or he might have spared himself and this House the gratuitous denunciations he has levelled against her. Believing that I have sufficiently shown that the President of the United States, and not the Government or people of Georgia, nullified the treaty made at the Indian Spring in 1825, I will next proceed to show how stands the accusation of the honorable gentleman respecting the conflict between the State of Georgia and the Supreme Court of the United States. And, first, with respect to the Indians.

At the January term (1831) of the Supreme Court of the United States, the Cherokee nation, by their counsel, moved that court for an injunction against the State of Georgia, to restrain and enjoin her from the enforcement of certain acts of her Legislature, upon various grounds, the most material of which for the present inquiry, it is believed, are embraced within certain portions of the statement of the case as reported in 6 Peters, to which the attention of the House is invited. Among other things, the bill proceeds to state "that, in violation of these treaties, of the constitution of the United States, and of the act of Congress of 1802, the State of Georgia, at a session of her Legislature, held in December, 1828, passed an act, which received the assent of the Governor of that State on the 20th day of that month and year, entitled "An act to add the territory lying within this State, and occupied by the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to extend the laws of this State over the same, and for other purposes." That afterwards, to wit, in the year 1829, the Legislature of the said State of Georgia passed another act, which received the assent of the Governor on the 19th of December, of that year, entitled "An act to add the territory lying within the chartered limits of Georgia, now in the occupancy of the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to extend the laws of this State over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal processes in said territory, and to regulate the testimony of Indians, and to repeal the 9th section of the act of 1828 on this subject." The bill also refers to the act of Congress of 1830, and to the acts of the Legislature of Georgia, passed in 1830, "to authorize the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee Indians," &c.; "An act to declare void all contracts hereafter made with the Cherokee Indians," &c.; "An act to provide for the temporary disposal of the improvements and possessions purchased from certain Cherokee Indians and residents;" and sundry other acts passed by the Legislature of Georgia relative to the country occupied by the Cherokee Indians. In short, it passed in review before the court all the acts of jurisdiction which had been exercised by Georgia over them up to that period.

In delivering the opinion of the court, Chief Justice Marshall observes: "The court has bestowed its best attention on this question, and, after mature deliberation, the majority is of opinion that an Indian tribe or nation within the United States, is not a foreign State, in the sense of the constitution, and cannot maintain an action in the courts of the United States." * * * "A serious additional objection exists to the jurisdiction of the court. Is the matter of the bill the proper subject for inquiry and decision? It seeks to restrain a State from the forcible exercise of legislative power over a neighboring people asserting their independence; their right to which the State denies. On the several matters alleged in the bill, (for example, on the laws making it criminal to exercise the usual powers of self-government in their own country by the Cherokee nation,) this court cannot interpose, at least in the form in which these matters are presented." In reference to the jurisdiction of Georgia over the possession of lands by the Cherokees, Chief Justice Marshall says: "The mere question of right might, perhaps, be decided by this court in a proper case with proper parties; but the court is asked to do more than to decide on the title. The bill requires us to control the legislation of Georgia, and to restrain the exercise of its physical force. The propriety of such an interposition by the court may be well questioned. It savors too much of the exercise of political power to be within the proper province of the judicial department." In the closing paragraph of the opinion of the court it is observed: "If it be true that the Cherokee nation have rights, this is not the tribunal in which these rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future."

"The motion for an injunction is denied."

In addition to the portions of the decision just quoted, in which the court most emphatically disclaims jurisdiction over any and all the matters brought before it by the bill, it should be remembered that it decided, also, that Indian tribes are not foreign nations, within the meaning of the constitution; and, as a consequence, I assert, without the fear of successful denial, that no treaties, in the constitutional sense of that term, could ever have been made by them. Further, the court declares: "The Indian territory is admitted to compose a part of the United States." Here let me ask by what means the United States ever acquired territory as an independent community or Government? Originally there was no territory of the United States, in this sense of the term; nor is there now any such territory, but what has been acquired by the voluntary relinquishment of the States, or purchase from foreign nations. Therefore, the claim on the part of the United States, to exclusive authority over them and the territory of the United States occupied by them, gives to the United States no such jurisdiction over Indians residing on the territory of any State of this Union. Consequently, on these and other grounds, the Government of the United States can set up no such jurisdiction within the limits of Georgia. Further, the court distinctly intimates that the proper tribunal for the redress of wrongs which have been either already inflicted or apprehended for the future, is either the legislative or executive department of the Government, neither of which arraigns the conduct of Georgia, or attempts to control it any way whatever.

Thus it is seen that the Supreme Court, upon solemn argument on all complaints on the part of the Cherokee Indians against the State of Georgia, disclaim all jurisdiction over the subject. But notwithstanding this disclaimer, it may and perhaps will be asserted, that although the court did, in that case, distinctly admit its want of jurisdiction, Georgia had defied its authority in the cases of Tassels in 1830, and Graves in 1834, both Cherokee cases. What were the facts of these cases? They were tried in the superior courts of Georgia, in the same manner in which her own citizens are tried before the same tribunals, upon the charge of murder, and that the murder of men of their own race. Each was convicted and sentenced to death, in conformity to the criminal laws of Georgia. What then? A citation was issued in each case, bearing the sign-manual of a judge of the Supreme Court, requiring the proceedings to be sent up to that court for revisal and correction. The convicted murderers were sentenced to be executed, in each case, at a period anterior to the next succeeding term of the Supreme Court; but, in both instances, at days so distant as to give them the benefit of an application to the clemency of the Legislature of Georgia. That clemency was not exercised, and they were executed in conformity to their respective sentences. For this Georgia has been charged with contumacy towards the Supreme Court of the United States, because her authorities did not suspend the execution of murderers, in obedience to the citation of a judge of the Supreme Court. What, then, is a citation, according to the definition of Chief Justice Marshall himself? We shall see by referring to the opinion delivered by him in the case of Cohens *vs.* Virginia.

In that opinion it became necessary for the court to inquire into the nature and operation of a citation, of which so much has been heard since the State of Georgia disregarded it in the cases of Tassels and Graves. Chief Justice Marshall asks, "And what is a citation? It is simply notice to the opposite party that the record is transferred to another court, where he may appear or decline to appear, as his judgment or inclination may determine. As the party who has obtained the judgment is out of court, and may, therefore, not know that his cause is removed, common justice requires that notice of the fact should be given to him. But this notice is not a suit, nor has it the effect of process. If the party does not choose to appear, he cannot be brought into court; nor is his failure to appear considered as a default." I have thus brought before the committee the Cherokee chancery case of 1831, and the citations in the cases of Tassels and Graves.

In the first, the Supreme Court of the United States disclaimed jurisdiction over any of the numerous allegations of the bill, allegations embracing every ground of contest between the Cherokees and Georgia. In the latter, according to Chief Justice Marshall himself, the citation is a mere notice, which an individual party may regard or disregard, at his own good pleasure. If, therefore, an individual is not bound to take notice of a "citation," and demean himself accordingly, what possible obligation could exist on the part of Georgia to obey it? It is nonsense to say she was under any such obligation. I have thus travelled over the charge of defiance of the Supreme Court by Georgia, so far as the Indians are concerned, and shown that, in the case in which judgment has been pronounced, it is not adverse to Georgia; and with regard to the "citations," they impose upon her no obligation either of respect or obedience whatever.

And now I am prepared to assert that the State of Georgia is free from all the allegations preferred against her by the honorable gentleman, as it regards the Indians. I have shown that, with respect to the Creek treaty of 1825, the President of the United States was the nullifier, and not the Government or people of Georgia; and, in reference to the Cherokees, that if treaties existed previous to 1802, which bound the United States to protect, and Georgia to forbear the exercise of authority over them, these treaties were abrogated by the Government of the United States, by the compact entered into with Georgia on the 24th of April, 1802, surrendering to her all claim to soil and jurisdiction within the limits reserved to that State; and that the law passed on the 30th of March preceding, regulating intercourse with the Indians, was alike abrogated by that compact. Of the treaties, so called, which have been entered into with the Cherokees since 1802, they could not rightfully embrace any thing at war with the compact of 1802, and in that sense only have they been acquiesced in by Georgia.

If the United States have wronged the Cherokees by their obligation to Georgia under the compact of 1802, it is their duty to do them justice; and in all proper measures to be taken here, for that purpose, the the Senators and Representatives of Georgia will be behind no others in awarding to them whatever justice and equity demand, in a manner the most ample and complete. I might have shown that, according to the principles laid down by the Chief Justice in the Cherokee chancery case, an Indian tribe could not make a treaty; but I do not now consider that discussion necessary.

Having disposed, at least for the present, of the allegations of the honorable gentleman against Georgia, as regards her Indian relations, I will now proceed to consider the remaining charge of misconduct towards the missionaries. And here I might contrast the conduct of the original ministers of the gospel with that of the individuals on whose account such grave charges have been preferred against the State of Georgia; but as I have been constrained to occupy so much of the time of the House, and as I doubt not but little to their edification, I will proceed as rapidly as I can to the conclusion of my subject.

As will appear by reference to the decision of the Cherokee chancery case, already referred to, it will be remembered that the Legislature of Georgia commenced its legislation over the territory occupied by the Cherokees in 1828, and repeated it in 1829 and in 1830, all which acts were brought in review before the court, so far as they related to Indians and Indian lands, in the course of that decision; and the prayer of the bill, that the court would enjoin and restrain the jurisdiction of Georgia, was rejected, on the whole ground taken by the complainants. Why, within one year thereafter, the same court should have taken upon itself to increase the political power it so distinctly disclaimed in the Cherokee case in 1831, might be an interesting topic of inquiry, if time would permit. Nor does it seem difficult to refer the motive to the same cause which enlisted every available influence, pecuniary and otherwise, in the then pending presidential election. But I will forbear its discussion.

The last act of the Legislature to which I have referred, the act of the 22d December, 1830, contained the following provisions: "that all white persons residing within the limits of the Cherokee nation, on the 1st day of March next, or at any time thereafter, without a license or permit from his excellency the Governor, or from such agent as his excellency shall authorize to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by confinement to the penitentiary, at hard labor, for a term not less than four years: *Provided*, That the provisions of this section shall not be construed to extend to any authorized agent or agents of the Government of the United States or of this State, or to any person or persons who may rent any of those improvements which have been abandoned by Indians who have emigrated west of the Mississippi: *Provided*, Nothing contained in this section shall be so construed as to extend to white females, and to male children under twenty-one years of age." The oath prescribed is in these words: "I, A B, do solemnly swear (or affirm, as the case may be) that I will support and defend the constitution of the State of Georgia, and uprightly demean myself as a citizen thereof: so help me God." At September term of Gwinnett superior court, (1831,) Samuel A. Worcester, E. Butler, and others, were indicted for living in the country occupied by the Cherokees, in contravention of the laws of Georgia referred to, found guilty, and sentenced to the penitentiary of Georgia, there to remain at hard labor for the term of four years. And in the October following the judgment against Worcester was taken up, by citation, to the Supreme Court of the United States.

I may be once more permitted to express my astonishment that the same tribunal, which in the spring of 1831 should have confessed itself powerless to interfere with or in any manner to restrain the jurisdiction of Georgia over Indians in the country occupied by the Cherokees, should so soon, at its next annual term, find itself fully competent to restrain that jurisdiction over its own white citizens residing within the same territory, so as entirely to oust the State of all right and power whatsoever over them. The country was the same, and the enactments are contained in one of the very laws of Georgia brought in review before the court in 1831. The laws and treaties, so called, upon which the court relied in both cases, were the same, with this remarkable difference in favor of the former, that neither the commercial power claimed by the United States, nor any of the treaties, contain any principle applicable to any other description of persons but Indians, except that description of white persons expressly exempted by the act of 1830 itself from its operation—persons exercising an agency, or otherwise permitted by the United States to reside among the Indians.

The honorable gentleman has asserted that the missionaries were residing among the Cherokees by the permission of the Government. This I most peremptorily deny, upon the well-settled legal principle that what does not appear does not exist.

The law of Georgia under which they were prosecuted excepted from its operation all such white men as were residing among the Cherokees by permission of the Government of the United States. Upon their trial they were entitled to the benefit of testimony going to establish the fact of such permission, and they did not produce it; therefore I deny the existence of such permission. Whatever the honorable gentleman may think of their Christian meekness and piety, it would not have carried them so far as to court conviction and four year hard labor in the penitentiary, if the production of a certificate would have prevented it; and the production of such certificate would have secured that acquittal instantly. Further: if they would have taken the oath to demean themselves in an orderly manner as citizens of Georgia, the prosecution would have been instantly ended. The authorities of Georgia, so far from desiring to prosecute and punish them, were exceedingly anxious to avoid it; and even after their conviction and arrival at the penitentiary, if they would have acknowledged the jurisdiction of Georgia, or consented to leave the country where they resided, they would have been discharged. Nor were they left to make the offer themselves; the most earnest endeavors were made to induce them to accept the one or the other of these alternatives; but they were then refused, when some months thereafter they were liberated upon one or the other of the conditions which I have mentioned.

The honorable gentleman has stated that these missionaries were oppressed by the Government of Georgia for preaching the gospel to the Indians. This allegation has not the shadow of a foundation to rest upon. There is no reference whatever to the object or pursuit of white men living among the Cherokees. All that was required of them was an oath to demean themselves as orderly citizens of Georgia. There were other citizens of Georgia residing in the country, upon whom the laws of the State were operating. It might be curious to inquire why the Supreme Court did not arrogate exclusive jurisdiction over them also. These were citizens who, by virtue of the opinion of the Attorney General of the United States, had rented from the State of Georgia the improvements which had been abandoned by Cherokees, who had been paid for them under the treaty concluded with them by the honorable gentleman in 1828, and had emigrated west of the Mississippi. If these citizens were subject to the laws of Georgia, and even the subtilty, of the Supreme Court could not so twist them as to make its Indian law applicable to them, it may well be asked, why it possessed exclusive jurisdiction over one citizen of Georgia, and a restricted federal jurisdiction over another? The court did indeed resort to what doubtless seemed to it to be an unanswerable argument to sustain its jurisdiction—that Worcester was a citizen of Vermont; and this in the face of the fact, that, by the eleventh amendment to the constitution, it is expressly ousted of jurisdiction in suits at the instance of one State against another State. What constitutes a citizen of a particular State? Being a citizen of the United States, and having a permanent residence in such State. I know no other way in which a citizen of a State can be more properly defined. Worcester was a citizen of the United States, and had a permanent residence in Georgia, and was therefore the citizen of Georgia. Will the court or its advocates, here or elsewhere, say that he was not a citizen of the United States, and a permanent resident within the limits of Georgia?—the limits defined both by her own constitution of 1798, and the compact entered into with her by the United States on the 24th day of April, 1802. I desire an answer without any equivocation or mental reservation whatever, and pronounce the assertion of his citizenship in Georgia as wholly undeniable. He had no residence in Vermont, and could not be her citizen; he had a fixed, permanent residence in Georgia, and was, therefore, undeniably hers; and yet the Supreme Court, to enable it to carry out its usurpation towards Georgia, assume that a man living more than a thousand miles from Vermont, permanently settled in Georgia, was the citizen of the former and not of the latter State. The immediate motive of this assumption is obvious. As the question before the court touched the jurisdiction of Georgia over a portion of country within her own limits, the admission that the individual concerned was her citizen would have deprived it of the pretext of deciding against her. Finally, as relates to the case of the missionaries, let it be remembered that the Legislature of Georgia passed the act under which they were convicted in December, 1830; that but a few months thereafter the Supreme Court admitted her jurisdiction over the country in question, and its Indian inhabitants, by disclaiming any power on its part to repress or restrain it; that in 1832 the same court assumed the power of protecting a citizen of Georgia from the operation of her laws within the same territory in which it had, but one year before, distinctly disclaimed any authority to interfere with that jurisdiction; and I will fearlessly submit it to every impartial judgment, to decide which has been the nullifier, the Supreme Court of the United States or Georgia. Georgia had passed an act of ordinary legislation, and was engaged in its peaceful enforcement, when a decree of the Supreme Court, pronounced more than one year afterwards, upon an unwarrantable statement of facts, and upon a jurisdiction which it had disclaimed after the passage of the law of Georgia referred to, was the nullifier, and not Georgia. It was with the most unfeigned reluctance that I found it to be my duty again to enter into the stale and unprofitable discussion of the conduct of the Government and people of Georgia towards the Indians. That duty I have performed to the best of my judgment and ability, and, as I trust, in no improper or unfriendly spirit towards the honorable gentleman from Massachusetts, or any other individual whatsoever. With that topic I have done, and, so far as my own will is concerned, take leave of it forever. Before I resume my seat, I hope I may be permitted to make a few observations upon the most extraordinary speech made by an honorable member from Vermont, [Mr. Everett,] upon a kindred subject. I mean the extravagant sympathy expressed by him for an Indian tribe, the Seminoles, now at war with his own countrymen. Can it be possible that, in his ardent sympathy for a miserable tribe of savages, who have conducted the operations of the present war, wantonly provoked by themselves, with all the cruelty peculiar to their race, the member from Vermont could so far have forgotten the manly form and honorable bearing of Wiley Thompson, so long associated with him as a representative from Georgia in the service of this House, as not to have remembered that he had fallen a victim to the scalping-knife? or have failed to remember the ruthless massacre of the ill-fated Dade and companions? I am sure, if a stranger, who had never heard of the lamented fate of those gallant men, had listened to the speech of that gentleman, he would have ascribed the most humane and gentle bearing to the Indians, and unmeasured and unmitigated cruelty to their adversaries. Certain I am, he could not have supposed that a Seminole had handled a rifle or scalping-knife against the white man for the last hundred years. The honorable gentleman may luxuriate as he will in his Indian sympathies, but, for my part, if I believed that the spirits of the departed were ever permitted to revisit this nether world, I should fear, if I entertained sentiments like his, that they would visit upon me more appalling horror than the genius of Shakspeare has thrown around the apparition of Banquo, at the feast of his murderer. Nor do I consider the remarks of that gentleman, relative to our present war with the Seminoles, alone reprehensible. It is well known that much dissatisfaction exists, on the part of a most influential individual of the Cherokee tribe, towards the treaty, for the fulfilment of which we are now asked to provide. While I do not charge upon the honorable member from Vermont any desire to encourage the hostilities of the Indians, I feel very sure that the whole tenor of his remarks, at the time referred to, would not fail to be understood by an Indian as intended to palliate if not to defend them. Nor do I consider the taunting manner in which the venerable gentleman from Massachusetts [Mr. Adams] has spoken of the various acts passed during the present session, appropriating money for the suppression of Indian hostilities, less unfortunate than those of the honorable gentleman from Vermont. Whatever is said in excuse or justification of the Indians, in their barbarous conduct to our fellow-citizens, certainly cannot be calculated to restrain their hostilities; and there were, on the occasion referred to, individuals of that race in this city, and it may have been within hearing of their voices, entertaining no feelings of kindness to the Government or people, and capable, if so inclined, of spreading horror and destruction throughout the borders of more than one of the Southern States. In defence of the plan of Indian emigration, by which the enlightened humanity and wise forecast of the present administration of this Government has been so eminently distinguished, it may not be improper to make a very few brief observations.

When that administration came into power, seven years ago, it found a partial system of Indian colonization west of the Mississippi in operation; partial, not in withholding its benefits from any tribe which might desire to enjoy them, but only inasmuch as it embraced but a portion of the tribes then residing east of the Mississippi. The principal of these were a portion of the Creeks and Cherokees, to which have been since added the Choctaws and Chickasaws, with numerous smaller bands, together with a treaty in 1832 contemplating the removal of the remaining and greater portion of the Creeks; and, lately, the treaty with the Cherokees, to provide for the fulfilment of which the present appropriation is asked at our hands. Within the last six or seven years, the policy of removing and colonizing the Indians in the States east of the Mississippi, to the westward of that river, in a region remote from the habitation of the white man, has been among the topics of universal and bitter discussion from one end of the Union to the other. Nor on any other subject has the course of General Jackson's administration been more violently or unjustly assailed. And here I take leave to say, that so far from Indian hostilities having been provoked, either by the negligence or injustice of that administration, they may, with much greater justice, be ascribed to the political philanthropy, so loudly and pharisaically displayed by its political opponents; and I will further say, that should war arise on the part of the Cherokees, the sin of it lies not at the door of this administration, or its supporters. It may not be amiss to inquire, briefly, into the history of Indian emigration west of the Mississippi. If I am not greatly mistaken, one of the motives which induced Mr. Jefferson to desire the annexation of Louisiana to the United States was the prospective removal of the eastern Indians to its remote and uninhabited regions.

Certain it is, that in January, 1809, when addressed by a Cherokee delegation on that subject, he encouraged their examination of the country high up on Arkansas and White rivers, and promised to aid them in their emigration to it, if they should desire to remove after having explored it. It is believed that a portion of the tribe did emigrate to that country not long afterwards. Within the first year of Mr. Monroe's administration, the year 1819, a treaty was made with the whole tribe, providing for the emigration of such portion as might wish to join their brethren west of the Mississippi; and if the terms of that treaty had not been materially changed by another entered into in the year 1819, there can be but little doubt that a much larger number would have done so. But it may be answered, that, so far, the Government had not entered upon any general system upon this subject; and that, in the partial emigrations which had then taken place, it rather followed, than attempted to lead, the inclination of the Indians. However this may have been, the whole aspect of the question was changed by the especial message communicated to Congress by Mr. Monroe, on the 27th of January, 1825, in which he stated that it had long occupied the attention of the Government, and recommended a general plan of Indian emigration and colonization west of the Mississippi, accompanied by an elaborate report of the Secretary of War on the subject. But a short period of Mr. Monroe's term of service then remained unexpired; but he did not go out of office until he had communicated to the Senate the treaty of the Indian Spring, of February of the same year, which provided, among other things, for an exchange of territory, and the removal of such of the Creek Indians as might desire it, beyond the Mississippi, and the operation of which treaty was arrested by his successor, in the manner I have already stated.

In 1826, an arrangement was made by the then Chief Magistrate for the removal of a portion of the Creeks to the west of the Mississippi; and in 1828, a treaty with the Cherokees of the west, which looked to the same object. Thus it appears, that, although by the act of Congress passed in May, 1830, and the treaties concluded with the Choctaws in 1830, with the Creeks in 1832, the Seminoles in 1834, and more recently with the Cherokees, and within the same period with many smaller bands, the scheme of Indian emigration and colonization west of the States and Territories beyond the Mississippi has been enlarged and systematized, its germe has a much earlier date, and the whole was recommended by Mr. Monroe in 1825, while the honorable gentleman from Massachusetts was a distinguished member of his cabinet. It might, therefore, on the score of time and the authority of high names, be considered worse than useless to explain or defend it. But as this is the last time that I propose ever to discuss this subject, I hope I may be permitted to present a few considerations, derived from experience and the nature of things, why this system is best, both for the whites and the Indians, and especially for the latter. The races are as separate and distinct as color, character, and general condition, could well make them; the one possessing the arts and knowledge of cultivated life—the other the rude, unpolished nature of the savage. The consequence might, therefore, be naturally expected, that it is impossible that they should constitute one community with any thing like practical equality between them. Nor has experience in the slightest degree disappointed the deductions which a sound logic would have derived from these considerations. I have been told, and am in no way disposed to doubt it, that for many years past the remnants of Indian tribes still lingering in most of the old States of this Union have been treated with kindness and humanity. But of what avail have been all the efforts of ages to elevate their character and improve their condition? Alas! that character has continued to descend to the lowest depths of degradation, and that condition to unmitigated misery. Thus has it always been with the Indians, when surrounded by a white population; and thus it must always be, until the laws of nature and society shall undergo such change as can only be produced by the impress of the Deity. Nor can there be difficulty in explaining it. The poor Indian, (and in such condition he is indeed poor,) of inferior and degraded cast, associates with none of the white race, but such as are qualified to sink him into still deeper degradation. What, then, should be done to save the remnant from the moral pestilence which would inevitably await them, if relief and salvation shall be delayed until these causes shall be bought to operate upon them? There is no remedy but to remove them beyond the reach of the contamination which will surely come over them, if permitted to remain until they shall be surrounded by the causes to which I have adverted. By making the appropriation asked for in the bill now under consideration, you will not only save the Cherokees from the fate which has already befallen their kindred in nearly all the old States of the Union, but you will place them where they will not only be safe from the evils I have so imperfectly portrayed, but will insure that improvement and elevation of character as shall cause their posterity to rise up and call you blessed, and at the same time fulfil an obligation to one of the States of this Union, already deferred for more than a third of a century.

One word more, and I have done, We have heard much, here and elsewhere, of the conduct of Georgia towards the Indians. I shall not apologize, for she does not need it, for any act of legislation of hers, either in its principles or regular application.

The Cherokees drove her to the alternative of surrendering forever to a hostile and foreign Government a portion of her own territory, or extending her jurisdiction over it. In this extremity she adopted the course sanctioned by the example of all the original States of the Union. She determined to govern her own territory, and the people upon it, in her own way. Whatever of seeming severity may be found in her legislation on this subject, is the consequence of Cherokee defiance of her lawful authority, sanctioned and encouraged, here and elsewhere, by those whose sympathies are a thousand times stronger towards the Indian and African race, than for the white man of the South, especially if he be a citizen of Georgia—by men who have but one short step to take, to be found brandishing the tomahawk and scalping-knife in the ranks of the Indian.

Mr. MANN, of New York, moved to lay the resolution on the table.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on this motion; and they were ordered.

The question was taken, and the motion rejected: Yeas 37, nays 99.

The resolution was agreed to; and

The House adjourned.

Tuesday, June 28.

BOOKS TO MEMBERS OF CONGRESS.

On motion of Mr. INGERSOLL, the House took up the resolution offered by him on a former day, to furnish such books to the new members of the present Congress as had been furnished to the old members. The rules having been suspended, by a vote of 117 to 31,

Mr. INGERSOLL modified the resolution by limiting it to the following books:

Diplomatic Correspondence, Documentary History of the Revolution, the Land Laws, the American State Papers, the Register of Debates, Contested Elections, Commercial Regulations, and Elliot's Debates; and providing that if any book should be out of print, it should not be printed.

Mr. McKENNAN moved the previous question.

Mr. HOWARD requested the gentleman to withdraw the motion, as Mr. H. was instructed by the Committee on Foreign Affairs to move an additional work, which would be accepted by the mover of the resolution as a modification.

Mr. **McKENNAN** could not withdraw the motion, as he believed the House was fully prepared to vote upon it.

The motion for the previous question was then seconded, 86 to 39; and the main question being ordered thereon,

Mr. **HARDIN** asked for the yeas and nays; which were ordered, and were: Yeas 107, nays 68.

So the resolution was adopted.

Mr. **HOWARD**, from the Committee on Foreign Affairs, reported a resolution directing the Clerk of the House to subscribe and pay for three hundred copies of Elliot's Diplomatic Code; one copy to be distributed to each member of Congress, and the residue to the heads of the Departments, Library of Congress, &c.

Mr. **JOHNSON**, of Tennessee, said he felt it his duty to make a few remarks to the House before the adoption of the present resolution. He had heretofore objected to the course of this House in book-making and book-buying for distribution among the members of this House. The resolution which had been just passed, offered by the gentleman from Pennsylvania, [Mr. Ingersoll,] gave to the new members of the present Congress books which would cost the Government but little less than one hundred thousand dollars; and would be bestowing upon each new member books which would cost a little less than one thousand dollars; and, in his opinion, one half the sum in money would enable them to purchase books infinitely more valuable to them and their constituents. He had not yet had an opportunity of ascertaining the cost of the Diplomatic Code now proposed to be purchased by the gentleman from Maryland, [Mr. Howard.] He rose now not with the expectation of arresting the passage of the resolution; he had no right to expect that, after the adoption of the resolution of the gentleman from Pennsylvania, without debate, and the ayes and noes being refused to be called upon the suspension of the rule to take up the resolution. He wished, however, to state to the House some facts which had been communicated to him, and which he believed to be true. He had been informed that many copies of the books which had been ordered by the House to be distributed among the members, for the last few years, had been taken to the booksellers in the city, and sold to them for much less than half the price which had been given by Congress for them, and that the books were retained by the booksellers to supply other and further orders made by Congress. He thought the House should stop such a course, by putting an end to the distribution of books among the members. He believed those facts to be true, and if the House would allow him a select committee, he had no doubt he should be able to prove these things to its satisfaction. He wished further to state to the House, that the Committee of Ways and Means now had under consideration a resolution directing an inquiry as to the propriety of setting aside the contract for the publication of the Documentary History, which would be twenty volumes in each copy, costing about thirteen dollars a volume. He hoped the committee had ascertained facts enough to justify the House in setting aside the contract. Yet, by the resolution of the gentleman from Pennsylvania, this work is ordered to be distributed, and the Clerk would, of course, purchase a copy for each of the new members. But he would not further occupy the time of the House by details at this late period of the session.

Mr. **WHITTLESEY**, of Ohio, said such a fact as that mentioned by the gentleman from Tennessee should be spread before the nation, and he hoped the House would indulge the gentleman with a select committee.

Mr. **BRIGGS** remarked, that if there were individual members who abused their privilege, or made what was considered an improper use of it, that should not affect the whole body.

Mr. **LANE** had voted, on a former occasion, for a resolution to furnish the new members, of which he was one, and he had now voted for a similar one; that he had received the books, and had not parted with them, nor should he feel himself at liberty to dispose of them; that he considered them as belonging to his constituents, and that he held them as their trustee; and was there a great library or the district, he should place them in it, as the common property of all.

Mr. **BOON** said it was clear to his mind that there was business of much more importance to be acted upon than talking about subscribing for books, and therefore he moved the previous question.

Mr. **HIESTER** thought they had done enough for one day in buying books, and he therefore moved to lay the resolution on the table.

Mr. **HARDIN** called for the yeas and nays; but they were refused, and the motion prevailed: Ayes 84, noes not counted.

So the resolution was laid on the table.

ADDITIONAL HARBOR BILL.

"A bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836."

The bill had been reported to the House from the Committee of the Whole, with sundry amendments; the details of which were given at length, when the bill was under consideration in committee.

The first amendment of the committee was concurred in without amendment.

The second amendment of the Committee of the Whole was to strike out the clause "for continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Pittsburg, Pennsylvania, to New Orleans, Louisiana, and from the mouth of the Ohio to the mouth of the Missouri river, one hundred and ten thousand dollars;" and insert "for the improvement of the Ohio and Mississippi, from Louisville to New Orleans, seventy thousand dollars; for the improvement of the Mississippi river, above the mouth of the Ohio and the Missouri river, to Independence, $50,000, in such manner, and for the removal of such obstructions, as the Secretary of War shall direct."

Mr. **SMITH** moved to strike out "$50,000," and insert "$30,000." Lost.

Mr. **HAWES** opposed the whole appropriation, on the ground that its effect would be to increase the number of officers of the Government.

Mr. **REYNOLDS**, of Illinois, said that he was sorry to detain the House at this late period of the session; but the subject was interesting to the people he represented in Illinois, which was his excuse for addressing a single word to the House.

The gentleman from Kentucky said he was opposed to the amendment, as it created more officers to superintend the work on the Western waters than were necessary. It is not possible for any one officer, no matter how efficient and competent he may be, to superintend all the works of improvement that ought to be made on the Ohio, Mississippi, and Missouri rivers. The House well know that these rivers stretch over a vast extent of country; so that if the work is to be done at all during this season, it will require more officers than one to carry it on with that efficiency that the Government ought to observe in the improvement of these rivers.

The gentleman from Kentucky [Mr. Hawes] also states that fifty thousand dollars for the improvement of the Mississippi, above the mouth of the Ohio, and the Missouri to Liberty, is too much, and more than the Secretary of War required.

Mr. R. said if the Congress of the United States appropriate any thing at all for these noble and useful rivers, it ought not to be less than that sum. It would be a ridiculous improvement that a less sum would effect on the Mississippi, between the mouth of Ohio and the Falls of St. Anthony, and the Missouri, as high up as Liberty. The sum is not too much. If any thing be given at all, let it be that sum or more.

Mr. **HAWES** then asked for the yeas and nays on concurring with the Committee of the Whole in this amendment; which were ordered, and were: Yeas 104, nays 81.

So the amendment was concurred in.

Mr. **WISE** then moved to strike out the enacting clause of the bill. He wished to test the sense of the House on the subject of internal improvements by the General Government, and repeated what he had said in Committee of the Whole, that now the deposite bill was passed, the bill under consideration was nothing more than a scramble for unequal shares of the public money before the day of distribution came.

Mr. W. asked for the yeas and nays on his motion; which were ordered, and were: Yeas 52, nays 133.

So the motion was disagreed to.

Mr. **SMITH** moved an additional item of $15,000 for building a steamboat to aid in the removal of the Red river raft; which was agreed to.

Mr. **HAWES** renewed his motion to strike out the appropriation of $200,000 for the improvement of the Hudson river, and spoke at some length in support of his motion.

Mr. **SUTHERLAND** then moved the previous question; which was seconded: Yeas 84, nays 48.

Mr. **HARDIN** called for the yeas and nays on ordering the main question to be put; which were ordered, and were: Yeas 106, nays 78.

So the House determined that the main question should be now put.

Mr. **LEWIS** then moved a call of the House. Lost.

On the call of Mr. **PATTON**, the yeas and nays were ordered on the main question, being on the engrossment of the bill; and the question being taken, was decided in the affirmative: Yeas 125, nays 63, as follows:

Yeas—Messrs. Adams, H. Allen, Anthony, Ash, Ashley, Bailey, Barton, Bockee, Bond, Boon, Borden, Bovee, Briggs, Brown, Burns, W. B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapin, Childs, Corwin, Cramer, Cushing, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Evans, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, R. Garland, Gillet, Granger, Haley, J. Hall, Hamer, Hard, Harper, Hazeltine, Henderson, Hiester, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, W. Jackson, J. Jackson, Janes, R. M. Johnson, H. Johnson, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, G. Lee, J. Lee, T. Lee, Leonard, Lincoln, Love, A. Mann, J. Mann, W. Mason, M. Mason, S. Mason, May, McKennan, McKeon, McMim, Mercer, Miller, Milligan, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, D. J. Pearce, Phelps, Phillips, Potts, John Reynolds, Joseph Reynolds, Russell, Seymour, Shinn, Sickles, Slade, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Elisha Whittlesey, Thomas T. Whittlesey—125.

Nays—Messrs. C. Allan, Beale, Beaumont, Bouldin, Boyd, Buchanan, Bunch, Bynum, J. Calhoon, Campbell, Carter, J. Chambers, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Deberry, Dromgoole, Forester, J. Garland, Graves, Grayson, Griffin, Hardin, Hawes, Hawkins, Haynes, Huntsman, Jarvis, Jenifer, C. Johnson, J. W. Jones, Lawler, L. Lea, Lewis, Loyall, Lucas, Lyon, Martin, Maury, McComas, McKay, McLene, Montgomery, Parks, Patton, F. Pierce, Pinckney, Rencher, Roane, Robertson, Rogers, Speight, Standefer, Taliaferro, Towns, Underwood, White, L. Williams, S. Williams, Wise—63.

So the bill was ordered to be engrossed for a third reading.

Mr. **HAWES** said he did not wish to delay this bill, but he wanted a direct vote of the House upon the appropriation of $200,000 for the Hudson river. He moved to recommit the bill to the Committee of the Whole, with instructions to strike out that clause, and asked for the yeas and nays; which were ordered.

Mr. **BOON** said that he wished to say a very few words before the question was taken. Mr. B. said that he had been honored with a seat in the House of Representatives during a period of nine years, and had uniformly voted for appropriations of money for the "common defence and general welfare of the United States," whether the money was to be expended on the Atlantic seaboard, or in the South, and he would now vote against the motion of the gentleman from Kentucky. But, said Mr. B., I will take this occasion to advise gentlemen that, unless a more liberal policy should hereafter be extended towards the new States of the West, he would, if his life should be spared him, return, at the commencement of the next session of Congress, prepared to organize a Western influence that would be felt against all appropriations of money east of the mountains, until justice should be done to the people of the new States in the West. Sir, said Mr. B., I will not longer consent to have the people of the new States taxed in the purchase of the public lands, for the benefit of other portions of the country.

Mr. B. said that pledges had been given him, for some two or three months past, that a direct vote should be had on the bill to reduce the price of the public lands before the adjournment of the present session of Congress. Yet this promise had not been fulfilled, nor was there any reasonable prospect that it would be. Mr. B. concluded by saying that he had become tired of living upon promises alone, and called upon gentlemen from the Western States to prepare to go with him in future in opposing appropriations for the seaboard until something should be done direct for the people of the West.

The question was then taken, and decided in the negative: Yeas 60, nays 101.

The House then took the usual recess.

Evening Session.

HARBOR BILLS.

The "bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836," was read a third time and passed.

The House then took up the "bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836."

Mr. **BELL** renewed the motion made by him in Committee of the Whole, to strike out the enacting clause of the bill; and, on that motion, called for the yeas and nays, which were ordered, and were: Yeas 69, nays 96.

So the motion to strike out was decided in the negative.

Mr. **WILLIAMS**, of Kentucky, moved the previous question; which was not seconded by the House.

The following amendments of the Committee of the Whole were concurred in:

An amendment appropriating the sum of $500 for an examination of the survey of the passage of Cobscook bay, in the State of Maine.

An amendment to increase the appropriations for the Cochecho branch of the Piscataqua river to $10,000.

For improving the harbor at Cattaraugus creek, strike out "$40,000" and insert "$20,000."

For deepening the channel of the river Thames, Connecticut, $13,000.

To strike out the following: "For making further improvements in the harbor of Newcastle, $43,000."

For the improvement of the Maumee river, below the rapids, $20,000.

Mr. SUTHERLAND then moved the previous question; which was seconded by the House: Yeas 95, nays not counted.

Mr. MARTIN called for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 104, nays 87.

So the main question was ordered to be put.

Mr. ROBERTSON called for the yeas and nays on the main question, (which was on ordering the bill to be engrossed;) which were ordered, and were: Yeas 108, nays 92, as follows:

YEAS—Messrs. Adams, Heman Allen, Ash, Bailey, Barton, Bean, Boon, Borden, Bovee, Brown, Burns, William B. Calhoun, Carr, Chaney, Chapin, Childs, Cramer, Cushing, Cushman, Denny, Dickerson, Doubleday, Efner, Evans, Farlin, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grennell, Haley, Hamer, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Hoar, Howard, Howell, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, Jenifer, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, William Mason, Samson Mason, May, McCarty, McKim, McLene, Miller, Milligan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, Pettigrew, Phelps, Phillips, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, William B. Shepard, Shinn, Sickles, Slade, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey—108.

NAYS—Messrs. Chilton Allan, Beaumont, Bell, Bond, Bouldin, Briggs, Buchanan, Bunch, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Crane, Deberry, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Grantland, Graves, Griffin, Joseph Hall, Hiland Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Henderson, Hiester, Hopkins, Hubley, Huntsman, William Jackson, Jarvis, Cave Johnson, John W. Jones, Lawler, Luke Lea, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, Maury, McComas, McKay, McKennan, Montgomery, Morgan, Morris, Parker, Parks, Franklin Pierce, James A. Pearce, Pinckney, Potts, Rencher, Roane, Robertson, Rogers, Seymour, Shields, Spangler, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener, White, Lewis Williams, Sherrod Williams, Wise—92.

So the bill was ordered to be engrossed and read a third time to-day.

The bill being on its passage,

Mr. HAWES moved to recommit the bill to the Committee of the Whole, with instructions to reduce the appropriations one half, and to strike out the item of $40,000 for the improvement at the mouth of Cattaraugus creek.

Mr. H. spoke at length in opposition to the general principles of the bill. He considered this but as the beginning of a system which was to take away millions of the public treasure, and only to be a benefit to a set of land speculators. The harbor of Cattaraugus had never been heard of until it was bought up by land speculators; and from that time to this members of Congress had been continually receiving letters, urging them to make an appropriation for this place. He believed there were members in that House who were engaged in these speculations, and he warned them to beware, as there was a committee appointed to investigate this matter. He hoped, too, this committee would be vigilant; and if there were any abuses, (which he believed there were, and believed he could put his finger on some of them,) that they would ferret them out and expose them. The appropriations in this bill were so distributed as to procure votes; whatever State had a large vote in the House got a large appropriation for improvements. Mr. H. spoke at great length, and adverted with some severity to the course of the chairman of the Committee on Commerce in relation to this bill, and pronounced it a bribery and robbery measure throughout, and only calculated to drain the Treasury and prevent the distribution which was contemplated by the bill passed a few days since. After speaking for about three hours, Mr. H. concluded, and

Mr. SUTHERLAND made a few remarks in reply, and showed the importance of Cattaraugus harbor as a port of refuge in cases of storms upon the lake, and moved the previous question.

The previous question was seconded by the House: Ayes 101, noes not counted. And the main question being ordered thereon,

Mr. WILLIAMS, of Kentucky, asked for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn. Lost, without a count.

The vote was then taken on the main question, being the passage of the bill, and it was decided in the affirmative: Yeas 99, nays 85, as follows:

YEAS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Barton, Bean, Boon, Borden, Brown, William B. Calhoun, Carr, Chaney, Chapin, Childs, Clark, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Efner, Evans, Farlin, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grennell, Haley, Hamer, Hard, Harper, Albert G. Harrison, Hazeltine, Hoar, Howard, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, Janes, Jenifer, Henry Johnson, Judson, Kennon, Kilgore, Kinnard, Lane, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, William Mason, Samson Mason, May, McCarty, McKim, McLene, Miller, Milligan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, Pettigrew, Phelps, Phillips, Reed, Joseph Reynolds, Ripley, Russell, Shinn, Sickles, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, Elisha Whittlesey, Thomas T. Whittlesey—99.

NAYS—Messrs. Chilton Allan, Beale, Beaumont, Bell, Bond, Bouldin, Boyd, Briggs, Bunch, Bynum, John Calhoon, Cambreleng, Campbell, Carter, Casey, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Corwin, Craig, Crane, Deberry, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hiland Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Henderson, Hiester, Howell, Hubley, Jarvis, John W. Jones, Lawler, Luke Lea, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, John Y. Mason, Maury, McComas, McKay, Montgomery, Morgan, Morris, Parker, Parks, Patton, James A. Pearce, Pinckney, Rencher, John Reynolds, Roane, Robertson, Rogers, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener, White, Sherrod Williams, Wise—85.

So the bill was passed.

LIGHT-HOUSE BILL.

Mr. WILLIAMS, of Kentucky, moved that the House adjourn. Lost: Ayes 55, noes 90.

The House next took up "the bill making appropriations for building light-houses, light-boats, beacon lights, buoys, and making surveys, for the year 1836."

The following amendments of the Committee of the Whole were concurred in by the House:

An amendment for the survey of the Kennebec river, Maine, $500;

An amendment to the clause for a survey of Salem harbor, Massachusetts, by adding "Lynn," and increasing the appropriation $500;

An amendment to increase the appropriation for the light-house on Block Island, Rhode Island, to $5,000;

An amendment for a floating light in or near the Middle Ground, on Long Island Sound, $10,000;

An amendment to insert after the word "Delaware" the words, "and Schuylkill," $10,000;

An amendment for a light-house on James river, Virginia, $5,000;

An amendment for a survey of Perdido and Pearl rivers, Louisiana, $450;

"*Be it further enacted*, That the reports upon all the aforesaid surveys shall contain a statement of all such facts within the knowledge of the engineers respectively making the surveys, as are or may be materially connected with the proposed improvements; and also estimates, in detail, of the sums of money necessary for such improvements, respectively;"

An additional section providing that none of the light-houses should be commenced until the proper examinations be made by the Secretary of the Treasury.

Several other amendments of the Committee of the Whole were concurred in by the House.

The bill was then ordered to be engrossed and read a third time to-day.

The bill being on its passage,

Mr. LANE moved the previous question; which was seconded without a division, and the main question was then ordered to be put.

Mr. JOHNSON, of Tennessee, called for the yeas and nays on the passage of the bill; which were not ordered.

The bill was then passed.

CUMBERLAND ROAD.

Mr. WILLIAMS, of Kentucky, moved that the House adjourn. Lost: Ayes 55, noes 67.

The House then took up the bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

The bill being on its passage,

Mr. MANN, of New York, moved the previous question.

Mr. EVERETT moved to lay the bill on the table.

Mr. McCARTY called for the yeas and nays on this motion.

Mr. HARDIN moved a call of the House.

Mr. HAWES moved that the House adjourn; which motion was agreed to: Ayes 60, noes 53.

And the House adjourned.

Wednesday, June 29.

POST OFFICE DEPARTMENT.

On motion of **Mr. CONNOR**, the House went into Committee of the Whole on the state of the Union, (Mr. Casey in the chair,) on the bill for the reorganization of the Post Office Department, and the more effectually to provide for the settlement of the accounts thereof.

The question pending was the amendment of the Senate striking out the 43d and 44th sections, which prevent the postmasters from receiving any emolument from pigeon-holes or boxes.

Mr. PHILLIPS had moved to amend the amendment of the Senate by adding a section providing that when the emolument of postmasters shall exceed $2,000 from said boxes, that they shall account to the Post Office Department for the same, and pay over the excess to said Department; and that the postmasters should make returns of the amount received by them for the rent of said boxes.

Mr. INGERSOLL called for the reading of a memorial on the subject from a number of merchants in Philadelphia, setting forth the advantages of the present system, and praying that it might be continued.

Mr. BRIGGS appealed to his colleague to withdraw his amendment, especially after the lengthy discussion which had grown out of the subject when the bill was first under consideration in Committee of the Whole and in the House, as well as from the difficulties of the subject itself. He hoped this point would be suffered to stand over to a future session, when Congress might act upon it with more information than they were now possessed of, and not delay or hazard the passage of so important a bill as this on so unimportant a matter.

Mr. PHILLIPS could not see any objection to the adoption of his amendment, and it was absolutely necessary that the abuse that had grown up under the box system should be removed. He had no wish to cut down the system, but rather to render it permanent upon a proper system. It was well known that by its operation an amount of perquisites had accrued to the postmasters of some of the large cities greater than the salaries of any other officer of the Government under the Chief Magistrate, being, in some cases, from six to nine and ten thousand dollars per annum. His object was to limit the salary within the sum of $4,000, which he thought quite sufficient. It was equal to the compensation paid to the collector of New York, to whose duties those of the postmaster of that city bore no proportion.

Mr. GIDEON LEE agreed that $4,000 was a fair compensation, but it would be better to leave the whole regulation of the subject of these boxes till next session. He believed some reform was necessary, but it was better not to hazard the bill, for he really believed it would be lost if the amendment of the gentleman from Massachusetts should be adopted. He himself had amendments he should like to see introduced into the bill, but he refrained from pressing them, for the reason he should vote against the pending proposition.

Mr. MASON, of Virginia, remarked that it would not affect more than two or three postmasters in the whole country; and as measures would be taken to collect information on the subject, he also thought it had better be left to the next session.

Mr. JOHNSON, of Louisiana, hoped the amendment would not be adopted; but if it was, he should move a further amendment to it.

Mr. PHILLIPS said, although he was convinced of the propriety of his amendment, yet, rather than jeopard the passage of the bill, and to meet the wishes of other gentlemen, he withdrew it.

Mr. WILLIAMS, of North Carolina, thought the proposition too reasonable to be passed over, and he therefore renewed it.

After some further remarks from Messrs. **BRIGGS, REED, MASON** of Virginia, **CONNOR, WILLIAMS** of North Carolina, **GRENNELL, UNDERWOOD, ANTHONY**, and **LOVE**,

Mr. WILLIAMS modified his amendment by inserting the word "nett" in that part of it requiring the postmasters to make returns of their emoluments.

The amendment was disagreed to, and the amendment of the Senate was concurred in: Ayes 108, noes not counted.

The second amendment of the Senate, appropriating $3,150,000 for the service of the Post Office Department for the year 1836, commencing on the 1st of July, was also concurred in.

The other amendments of the Senate were also concurred in.

Mr. UNDERWOOD submitted an amendment authorizing the Postmaster General to allow an increase of salary of $1,000 to the postmasters of the large cities, in lieu of the perquisites derived from the boxes.

Mr. WHITTLESEY, of Ohio, suggested that the amendment had better be withdrawn, and leave the whole subject open to investigation at an early day next session. Lost.

POST ROUTE BILL.

The committee then took up the bill "to establish certain post roads, and to alter and discontinue others, and for other purposes," returned from the Senate with various amendments.

On motion of Mr. CONNOR, they were all severally concurred in.

The committee then rose and reported the amendments to the House.

The Speaker having resumed the chair,

The first bill was taken up, all the amendments of the Senate having been concurred in, except that providing for the regulation of the number and salaries of clerks in the Department.

Mr. LANE rose, and moved the previous question; which was seconded—ayes 85, noes 39—and the main question ordered to be put.

Mr. UNDERWOOD called for a division of the question, so as to take the question separately on the amendments regulating the salaries.

Mr. HIESTER moved to except the amendment striking out the forty-third and forty-fourth sections of the bill.

Mr. EVERETT moved to except the amendments relating to the contracts.

Mr. ADAMS moved to except the amendment appropriating $3,500,000 to the service of the Post Office Department.

The other amendment was then concurred in without a division.

Mr. EVERETT called for the yeas and nays on the amendment reserved by him, but the House refused to order them, and the amendment was concurred in by ayes 94, noes not counted.

Mr. HIESTER asked for the yeas and nays on the amendment regulating the salaries; which were ordered.

Mr. WISE begged to inquire of the Chair if the effect of the amendment was to increase or decrease the salaries of the clerks.

The CHAIR was informed by the Clerk that it was to increase their salaries.

The question was then taken on the amendment, when it was concurred in by a vote of: Ayes 107, noes 75.

The question being on the Senate's amendment to strike out the 43d and 44th sections, relating to the "boxes" in the post offices.

Mr. UNDERWOOD asked for the yeas and nays, but they were refused, and the amendment was concurred in: Ayes 89, noes 41.

The question being on the amendment reserved by Mr. ADAMS, it was concurred in without a division.

The "post route" bill was then taken up, and the amendments all concurred in without a division.

TIME OF MEETING OF CONGRESS.

Mr. BRIGGS moved a suspension of the rules for the purpose of offering a resolution instructing the Committee on Enrolled Bills to report a bill fixing the time of the annual meeting of Congress on the first Monday in November; which was agreed to—120 to 29.

Mr. VINTON moved an amendment, instructing the same committee to report a joint resolution fixing also the day of adjournment.

Mr. WARDWELL moved the previous question; which was seconded; and the main question being ordered and carried, the resolution was agreed to.

Mr. BRIGGS, on leave, from the Committee on Enrolled Bills, then reported a "bill to alter the time of the annual meeting of Congress," (to the first Monday in November;) which was read twice; and the question being on its engrossment,

Mr. PIERCE, of New Hampshire, called for the yeas and nays; but they were not ordered.

Mr. HANNEGAN moved an additional section, to reduce the pay of members of Congress to six dollars per day during their attendance in Congress.

Mr. MAY demanded the previous question.

Mr. MANN, of New York, moved to lay the bill and amendment on the table. Lost.

The previous question was then seconded, and the main question being ordered,

Mr. HANNEGAN called for the yeas and nays thereon; which were ordered, and were: Yeas 99, nays 93.

So the bill was ordered to be engrossed for a third reading to-day.

Mr. ADAMS moved to recommit the bill to the Committee on Enrolled Bills, with instructions so to amend it as to limit its operation to the next session only.

Mr. MILLER said, if the gentleman would modify his instructions, by limiting its operation to future sessions after the next, he would vote for them. He said he thought, after remaining in session till July, it was extraordinary that they should pass a bill to come back in November. He therefore moved to postpone its further consideration till to-morrow.

Mr. PEARCE, of Rhode Island, demanded the previous question.

Mr. SPEIGHT moved a reconsideration of the vote by which the bill had been ordered to be engrossed. He said he had voted in the majority expressly that he might make this motion, in the hope that, upon more mature reflection, a majority would reject the bill.

The CHAIR ruled the motion to be out of order after the previous question had been demanded.

The previous question was then seconded by a vote of 98 to 53.

Mr. SPEIGHT called for the yeas and nays on ordering the main question to be put; but they were refused, and the main question was ordered without a count.

Mr. SPEIGHT then asked for the yeas and nays on the final passage of the bill; which were ordered, and were: Yeas 101, nays 95.

So the bill was passed.

CUMBERLAND ROAD.

The House took up the bill from the Senate "to continue the Cumberland road in the States of Ohio, Indiana, and Illinois."

Mr. MANN, of New York, had moved the previous question.

Mr. EVERETT had moved to lay the bill on the table.

The second was the pending question, the House having adjourned last night before it was taken; and it was now taken, and decided in the negative without a division.

The question then recurred upon seconding the demand for the previous question, and it prevailed—70 to 50.

Mr. WEBSTER said he had voted against the motion of the gentleman from Vermont [Mr. EVERETT] to lay the bill on the table, with the belief that the previous question would not be sustained, and that the bill would be yet modified to meet his views. But as the previous question had now been ordered, so as to cut off all the proposed amendments, that further time might be had to deliberate, and for the friends of the bill to compromise their different views, he renewed the motion.

Mr. **LANE** called for the yeas and nays; which were ordered, and were: Yeas 67, nays 103.

So the House refused to lay the bill on the table.

The main question was then ordered to be put; and being put and carried, the bill was ordered to a third reading.

The House then, according to order, took recess till four o'clock.

Evening Session.

CUMBERLAND ROAD.

The House then proceeded to the consideration of the "bill to continue the Cumberland road in the States of Ohio, Indiana, and Illinois." The question being on its passage,

Mr. **McCARTY** entered at some length into a review of the provisions of the bill, and urged his objections against it in its present shape. He then moved to recommit it, with the following instructions:

"Strike out from the provisional clause in the first section to the end of the section; and strike out the second section, and insert the following:

"Section 2. *And be it further enacted,* That the money hereby appropriated for the continuation of said road in Indiana and Ohio shall be applied to the graduation and bridging; the same to be let out in contracts and sections, upon public notice, to the lowest bidders, by such superintendent or superintendents, engineer or engineers, as may have charge of said road, under the direction of the Secretary of War: *Provided* the said Secretary may direct so much of the appropriation for the continuation of the road in Ohio as may be necessary for the completion thereof east of Springfield, to be applied to that purpose: *And provided,* That not more than twenty thousand dollars of the amount thus appropriated for the continuation of the road in Indiana shall be applied in the collection of materials for the bridge over the Wabash."

After a few words from Messrs. **A. MANN**, **T. WEBSTER**, and **BOON**,

Mr. **VANDERPOEL** moved the previous question; but the House refused to second it: Ayes 64, noes 69.

Mr. **WEBSTER** said no member could be more sensible than he was that the House was fatigued with debate; and while those members most favored of the House could only rise under the repeated cry of "question, question, question," he could not hope to be heard with attention. Members were already preparing for their departure—they were now approaching the close of a long, and, as he had learnt from the older members, a session of unparalleled labors; and of that long calendar which yet encumbered their desks, members were anxious to dispose of that which was most essential to the public interests. He would not trespass long. He believed the bill in its present shape would not so well advance the permanent interests of the West as an amendment, which he contemplated, would. He hoped the motion to recommit the bill, for amendment, would prevail; and he would throw himself upon the indulgence of the House while he briefly stated his views. It was very far from his desire to defeat the bill; but he felt it to be his duty to make an effort to perfect it: should that fail, though with much reluctance, he would vote for its passage. He now did, and trusted he always would, yield with proper deference to the deliberate will of the House.

He had long been of the opinion that the system under which that road had been constructed was extremely faulty, and that the progress of the work, and the interests of the public Treasury, required that it should be corrected. The corps of cadets, and their agents, which were quartered on this road fund, required a large amount for their own pay, and rendered the agency extremely expensive. This was one of the reasons why that work had appeared to cost so much. But this was not the greatest objection. The money had been applied, and the work directed, without that regard to economy which had characterized the progress of the public works which had been prosecuted so successfully under the management of the State of Ohio and her corporate companies. He did not attempt to attach blame to any one, or censure anywhere. He believed the fault was more in the system than in the individuals.

Ohio had, with great success and commendable economy, prosecuted her great system of internal improvements. These great works had been directed by her own civil engineers. They were men of great scientific attainments in their profession. They were, however, her own citizens, and knew that they were acting for the people of Ohio; they had reputations to advance, felt a common interest in the welfare and prosperity of their State, and devoted themselves to the service in which they were employed; they were practical as well as scientific men, and knew the value of labor and money. And it is a subject of cherished pride and boast, that so much has been accomplished for the honor of the State, and for the public good, and for the advancement of the common interests of all her citizens, with so little burden to her treasury. A very different state of feeling existed in regard to the national road. The people of Ohio had discussed the subject, and understood it. The Legislature of Ohio had expressed an opinion on the subject, broad and clear, and had sent here a very able and earnest, but respectful memorial on this subject, requesting that the future appropriations for this road may be expended under the direction of her board of public works.

It was in accordance with this instruction from the Legislature of Ohio, that he had felt it to be his duty to propose the amendment which he did, in Committee of the Whole, to place this work under the direction of that board. He believed it would be a great saving to the road fund, and would greatly accelerate the progress and completion of the work. And this proposed amendment having been cut off by the call for the previous question, was one of the reasons which induced him to desire that the bill should be laid, for the present, on the table.

He regretted to say that other proposed amendments, matured and reported by the able and experienced Committee on Roads and Canals, had been cut off. In his opinion, these amendments were essential to the profitable expenditure of the appropriation. It would be recollected by gentlemen, that the plan of the construction of this road had been once entirely changed; and that the covering of the old road east of Wheeling, which had been put on at great expense, had failed to answer the purpose, and had been replaced by a new and different one, at very great expense to the Government, and much inconvenience to the travelling community.

The Macadamized road might answer through the mountainous country east of the Ohio river; but he believed that it would not long be tolerated through the level and fertile and populous valley of the West. That country was too well adapted to a much more easy, cheap, and rapid mode of communication. The enterprise of the West would not be content with the tedious and fatiguing stage of six or eight miles per hour, when they can with more safety, much more ease, and at less expense, and the important saving of time, travel 20 or

25 miles on a railroad. And if a Macadamized road should be completed, he did not doubt that it would be, in a few years, abandoned by the traveller for the facilities of a railroad, which may be constructed on the same line, or near it. And he believed that when the Baltimore and Ohio railroad, which is now in progress, reaches the Ohio river, the Macadamized road east of Wheeling will be abandoned by the general traveller. It must be so, for there will be few travellers so attached to the old mode of travelling as to be jolted and bruised for days in the stage, when they can make the trip in a single day, and comparatively without fatigue. The old road will doubtless continue to be used as a neighborhood road, to travel from village to village; but should a road for such a purpose be constructed at such expense? He understood the national road to be constructed for national purposes—for general travel.

The same thing must take place west of the Ohio river, whenever a railroad should be constructed. No man who has ever travelled on a railroad can doubt it. The prosperity of the West demands the speedy construction of such a work; and its enterprise would speedily accomplish it. The construction, then, of a Macadamized road would be unnecessary. The day was rapidly approaching when the distance between the termination of the Baltimore and Ohio railroad and the Mississippi would be travelled in two days. It was no idle fancy. Ten years ago it was less believed that the distance between Washington city and New York would at this time be travelled in three fourths of a day. This may now be done. And what may be accomplished through this region, may be accomplished through the great valley of the West much sooner, and therefore much cheaper. A line of railroad cannot be laid in any part of the world, of the same extent, through a country so well adapted to its rapid and cheap construction, and to the most rapid travelling, as between the Ohio and Mississippi rivers, on and near the line of the national road; nor could it be constructed through any country capable of containing a greater population, of building more flourishing towns and cities, or of making its citizens more independent and wealthy. Unlike most roads, which must wind their grades circuitously through an uneven country, the greater part of that road may be constructed on straight lines and even grades. On a crooked track the speed of the cars cannot exceed a certain limit with safety; but on a straight line almost any required speed may be attained; and all this line between Zanesville and the Mississippi river could be travelled at the rate of twenty miles per hour as safely as the line between this city and Baltimore, or that winding through the mountains between Baltimore and the Ohio river, could at twelve or fifteen miles per hour.

He did not permit himself to doubt the construction of a railroad through that region of country, between the Ohio and Mississippi. It was called for by the spirit of the age and the growth of the West. It would be to the travelling community of the West what her great rivers were to her commerce. It formed the very important and connecting link between the various canals and railroads which connect the Northern lakes with the Ohio and Mississippi rivers. It will render each of these much more useful, by connecting and continuing their communication, furnishing and receiving their supplies. It will be to them what the father of waters is to his many tributary streams, and render each improvement now of less value, because not directly connected with the others—as much more important and useful as are the great rivers of the West more valuable than they would be were they separate and disconnected streams, and the navigation confined on each to their own channels.

Your magnificent lakes and beautiful rivers must forever continue your commercial avenues. Your canals, which bisect the country between, will communicate with the commercial interior; but the ease and speed of railroads give them unquestionable preference for all travelling purposes; and all experience has shown that for commercial purposes they are incomparably superior to the best Macadamized roads. Animal power for draught, much less for speed, can never compete with steam, which is unlimited in its ability, and never tires. Not many years ago, the keel-boat was made to stem the rapid current of the Ohio and Mississippi rivers by manual power; then a trip to New Orleans was a voyage of three months. The first introduction of steamboats greatly lessened the time and labor; the time, under the advancing improvements, is reduced much farther; but every traveller who has been upon a railroad knows that the time may be yet reduced one half.

He viewed the determination of the Baltimore and Ohio Railroad Company to persevere in their prosecution of that work to the Ohio river, as a most propitious event to the West. He should feel that he had been recreant to the interests of the West were he not to embrace this occasion to express these sentiments. And he believed the West would be unpardonably negligent to her interests if the earliest opportunity be not embraced to secure the termination of that road at such a point as will be suitable for the termination of the great railroad avenue of the West, that the two may complete the rapid and cheap communications between the East and the West. Each of these great works, East and West, will add incalculably to the value of the other; they are inseparable parts of a great and essential whole; and surely the different sections so deeply interested will not let the available period pass without securing their junction, and the completion of both. He entertained an earnest hope that they would not.

Let this railroad be completed from the Ohio to the Mississippi, and to the farthest West, and it will greatly advance all the interior towns and villages between your canals and rivers, will form a much more valuable channel of communication for commercial purposes than any other road, to forward the productions of the interior to their destined markets, and receive in return whatever the necessities of the country require. It will bring them substantially as much nearer to the canals and rivers, and to each other, as the time and expense of travel and transportation are reduced. It will cross the great projected way between Lake Erie, by way of Cincinnati, to Charleston; and will cross the projected railways of Indiana and Illinois, and will render them all more valuable to those who construct them and to the country, by gathering the current of travel as it comes from the East, and distributing it again through these diverging channels to the interior and to the remotest regions of the West; and it would invite an immense travel eastward through these roads, which must otherwise pass to the east by way of the Ohio river or the lakes; and it would present a most successful competition to the steamboats on the Ohio, between Cincinnati, by way of the projected Lake Erie railway, to its intersection, and the termination of the Baltimore and Ohio railway—for the distance may be travelled in less than half the time; and between St. Louis and that point the time of travel would be reduced at least three fourths; and between the mouth of the Ohio and Wheeling, by way of the Illinois central railway, to intercept the great Western railway at Vandalia, it would compete most triumphantly with the steamboat travel; for it could be travelled in about one third of the time, and probably safer and cheaper, and at all seasons of the year when the stage of water is unfavorable in the river, particularly during the low water in the summer and the ice in the winter, which so often render extremely difficult, and frequently entirely interrupt, the navigation in the upper Ohio. If the time was the same, this would be an invaluable substitute; but when it is known that the time is reduced several days in the trip, compared with the most favorable stages of the river, it would be preferred by all business men, to whom time is more valuable than money. It would be seen by all, and he could not doubt that the people of Illinois would see it so, that this road, in this view, receiving and transmitting the immense travel of Missouri, Tennessee, Mississippi, Alabama, and the whole Southwestern country, that travel to and from the East, through the southern section of the Illinois central railway, would add incalculably to the value and interest of that road, and would divert a large portion of that immense travel, that is now confined to the Ohio river, through the States of Illinois, Indiana, and Ohio.

To those who have not kept pace with the improvements of these most eventful times, and to those who have not enjoyed the ease and witnessed the facilities of railways, this picture may appear too high-wrought. But all who have travelled upon any of the railways of this country will readily admit its practicability. He knew he had not stated all that may be, and in his sober judgment would be, accomplished before many years in the rapid progress of Western enterprise. He had himself travelled at a greater speed than twenty miles per hour; he had travelled twenty continuous miles in less than an hour over a track not so well adapted to great speed as that now projected. To him these objects were too desirable in his view, and of too much value to his country, to let any proper occasion pass without presenting them for public consideration, and pressing their early accomplishment.

Every person the least observant of the progress of events in this country has seen with pleasure that the whole system of travelling throughout this country has undergone a great and important revolution within the last four years. This has been effected by the application of steam to boats, the construction of railroads and steam locomotives, and the general introduction of stages and extension of stage lines, to connect all the important points of the country. It is within the recollection of those present, when the citizens of the Atlantic cities travelled from one city to the other in their own private carriages, and when the tedious journey from the West could only be performed with great fatigue on horseback. No one thinks now of making a journey in this style. He who would attempt it would be laughed at as unfashionable and eccentric; as one who neither consulted his ease, his economy, nor his leisure. A private carriages, or a traveller on horseback, is seldom met on any of our great travelling thoroughfares. This results from the great facilities of travelling to any desired point faster and cheaper by other means. And as the number of contiguous lines of stages, steamboats, and railways, is increased, each adds to the importance and increases the business of the other. This was the boasted age of inventions; the hand of improvement was seen and its influence felt every where, advancing the interests and promoting the hapiness of society. Labor-saving machines were applied to increase the power and reduce the labor of men in each operation and every department of life; and in no attempt have these efforts been more successful than in their application to the means of travelling. The general adoption of railways will accomplish all that is desirable; and, viewed in this light, the connexion of the great Eastern and Western sections of the Union by a railway is of the utmost importance. The improved mode and increased facilities of intercommunication are among the prominent events which characterize this age. To that immense multitude who travel between the East and West, time is money; and the time that would be saved, without estimating the fatigue between a railway and a Macadamized road, would be several days to each passenger. This economy of time would in a short period equal the construction of the road. The ease of the travelling public would be promoted, and the ability of the business community increased.

He had made an effort to collect a series of statistical items relative to that country, to elucidate this subject; but in a country so new, so vast, and so extraordinary in all that relates to it, nothing satisfactory, or even approaching the truth, could be gathered. What was correct of it to-day, fell far behind the truth to-morrow. Such was the rapidity of its growth in improvement, population, wealth, and business resources. Like the current of its mighty rivers, its course was rapid, irresistible, onward.

A few years ago, a journey over the best roads in the country, of three hundred miles, was one of many days and of great trial. Now it may be performed in a single day, and comparatively without fatigue. A journey across the Alleganies and through the valley of the West required formal preparation and the toil of weeks or months. The traveller took solemn leave of his family and relatives. The unforeseen incidents and unavoidable perils of the journey were the constant theme of his anxious friends. Complete these roads, and a trip from New York to the Ohio river may be performed in two days, and to the Mississippi in four. And in point of time, and for all practical purposes, St. Louis will be brought as near to New York as Baltimore was twenty years ago; and every other point in the West, in time and labor, is brought as much nearer. Is not the accomplishment of all this most desirable to the West? And will not the East, who will share so largely in its advantages, aid in its accomplishment? Every individual interested in the canals and railroads, or in the prosperity of the commerce or towns of the West—every merchant or trader who travels to the East—every farmer whose agricultural products are sent to the East—every individual who travels—has a common interest in the accomplishment of this work. They have only to reflect upon its immense advantages to every interest, to perceive them and advocate them. Let the attention of the people of the West be directed to it, and they will not fail to approve of it, and to instruct their representatives to secure their interests; nor will they hold him faultless who withholds his co-operation.

He believed the social and political influence which would result from the increasing facilities of intercommunication would be happily felt on the character and destiny of the American people. As the time, labor, and expense of travelling were lessened, greater inducements were held out to the man of ease, and the man of industry, to travel, as well as to the man of business and the man of leisure. As the time and expense were reduced, more frequent journeys of friendship, and trips of pleasure, would be made—social feeling promoted, society improved, and a more genial feeling exist, and intimate connexion be formed, between the citizens of the different sections of the Union. To the true patriot, to the ardent lover of his country, and to the true friend of the Union, the rapidly extending lines of mail stages, the construction of canals and railways through every part of the country, the improvement of steamboat navigation upon all your lakes and rivers, furnish the strongest and most conclusive evidence that this Union will be perpetual. They bring within a few days' travel the most distant parts of this wide-spread republic—improve their social feelings—soften and subdue their prejudices—unite their commercial interests—and form the sinews and ligaments which must forever and inseparably bind and cement them into one common and united people. And as military defences, the facilities with which any required amount of men, military stores, and arms, may be concentrated through them, at any given point, give to the assailable points of the country the most confident security against any successful invasion.

And since it has become the settled policy of the Government to remove and congregate all the Indian tribes on the Southwestern frontier, it is a subject worthy of grave and deliberate consideration, whether a railway on the line under consideration, and extended beyond the Mississippi to the Indian territory, would not furnish the most available and certain means of that kind of frequent communication and rapid supply of force to control and keep in proper check that wild and lawless people.

He did not understand it to be the desire of the friends of the proposed amendment to proceed with the present appropriation to lay down any part of a railway. They only desired that the bill should be so modified as to expend the appropriation in completing the grading of the road, and that the grade should be so cut that a railway, or a Macadamized coat, could either be put on, as might hereafter be determined. He did not permit himself to doubt the superiority of the railway; but if the Macadamized was finally adopted, nothing could be lost by now completing the grade; whereas, if the railway should be hereafter adopted, the whole expenditure on the stone covering would be of little value. He wanted to give time for the people to investigate the subject, and for the Legislatures of the States, into whose hands it was to be surrendered, and who were to keep it in repair, to express their opinions. He would feel himself instructed on this subject by the decision of the Legislature of Ohio.

Gentlemen seemed not to apprehend the operation of the change. When either plan of road should be completed, it would be surrendered to the States. They committed the Macadamized road to their agents, and levied toll upon those who travelled upon it, to keep it in repair. If a railway was constructed, it would be surrendered to the States, and the States would put their cars under the direction of their agents on it, and would only charge so much for transportation and passengers as would keep the road in repair, and meet the expenses of running the cars. It would, therefore, be the cheapest fare of any road ever constructed, as the tolls now on the Macadamized road are the lowest. Either road would be equally under the control of the States and the people. And it is shown, from the highest authority, that the railroad may be kept in repair at much the lowest expense.

Several objections had been urged against the change of plan to a railroad, untenable as they were novel. The objection that it could not be used by emigrants, might be refuted by stating that families going westward may, in two days from the time they reach this road, be set down in the Grand Prairie of Illinois for less money than their provisions would cost them in the long and toilsome two or three weeks which their journey would occupy on the Macadamized road. It would be a common advantage to the farmer and to the merchant; the one would procure his produce sent to the nearest point on the canals or rivers as much cheaper than he could on a wagon, as the other could his merchandise brought to him in return, cheaper. It would tend to make the towns and villages on its line the places where the farmer could sell his produce as much higher than he otherwise could, as it could be taken to market cheaper. It would be of the same advantage to every one in travelling; all could travel cheaper and faster than in the stage. It would be emphatically the poor man's means of travelling. The rich could pay their way in the stage at any price; but the reductions of fare on this railroad would bring the expense within the means of the poorest, and no person would desire to travel on horseback when they could perform the journey in one fourth the time, and for less money than the amount of their tavern bills. Last of all, the most astonishing objection was brought forward, that the speed was too great; the traveller passed so rapidly through, that he had no time to stop and spend any money. If this objection were admissible, it would be injurious to improve the roads in any way. Let them remain as impassable as possible, so that passengers must stop every five miles and stay all night for the benefit of the tavern-keepers and prosperity of the country. This objection, he apprehended, would not be very popular with the travelling public, and he understood that road to be made for the benefit of those who travelled it.

He had been no little surprised to hear honorable gentlemen advance these objections, and advocate a Macadamized road, when they well knew that no private company nor their States would adopt any other than a railroad, in several of which they were already engaged. He knew them to be gentlemen of intelligence and enlarged views of public policy, and knowing this, he was only the more surprised that they should descend to the argument of the demagogue and cant of the pot-house politician, when, by taking an elevated stand on this subject, so much that is so desirable might be attained for the advancement of the West. His constituents and the people of Ohio were in advance of such objections. Unless something of the kind were effected, the West would be behind all their neighbors in the means of travelling and of receiving intelligence.

To those who did not believe that the Federal Government had any power to construct such works, he had no arguments to address. But to those who were willing to complete the national road, he hoped the superior advantages of a railroad would be seen and adopted. It was shown by the estimates that it could be made nearly or quite as cheap, and that it could be kept in repair for half the amount. This last item was one which should control the decision of the States who are obligated to keep it in repair.

He could not refrain from again expressing that it would be with much regret that he would assent to the expenditure of the appropriations for Ohio and Indiana in the manner provided in the bill; for so soon as a railroad should be constructed, the expenditure would be rendered of comparatively little value. The Macadamized road, like the turnpike between this city and Baltimore, and Baltimore and Frederick, would be abandoned; but the State would be under obligation to keep it in repair. Why would it be abandoned? Because the fare will be cheaper, and the speed much greater. No wagons, or comparatively none, will run upon it, for this very conclusive reason: that every thing can and will be transported cheaper on the railroad. The expenditure should therefore be for grading. The plan should be changed. It was important that the decision should be early made; the interests of the whole country require it. Let its benefits extend to those who may come after us. Let it be not for our use alone; but for our country and posterity.

His constituents felt a deep interest in the location of this road. That question he had hoped would have been settled before this bill. In this he had been disappointed. Such had been the course of the application for that change, that he had not been able to present his views upon it. It was the belief that the interests of a large majority of his constituents required that the bill proposing a change of route should be first passed, that had induced him to move to lay this on the table. He regretted that he could not comply with the wishes of all his constituents in reference to it; but as they were themselves divided, he could only endeavor to advance the greater interest. He would now only say, that he hoped, when that bill came up, he should be able successfully to meet every objection, and refute every argument against its passage, and prevail upon the House to do justice to one of the most populous, fertile, and interesting sections, through which a road could be made in the West.

Mr. **HANNEGAN** moved an additional instruction to strike from the bill every thing in relation to a bridge across the Wabash river.

Mr. **LANE** said it was not his object to detain the House by a speech, and more especially not to make a speech against the bill, or to submit a motion, which, if adopted, would of necessity result in its defeat; on the contrary, to insure its passage by asking the previous question; which was seconded by the House: Ayes 75, noes 46.

Mr. **McCARTY** called for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 101, nays 74, as follows:

Yeas—Messrs. Ash, Ashley, Barton, Beale, Bean, Boon, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Connor, Corwin, Craig, Cramer, Cushman, Darlington, Davis, Deberry, Dickerson, Doubleday, Fairfield, Farlin, William K. Fuller, Galbraith, J. Garland, Gillet, Joseph Hall, Hamer, S. S. Harrison, A. G. Harrison, Haynes, Henderson, Hubley, Huntington, Huntsman, Ingersoll, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lay, G. Lee, T. Lee, Leonard, Logan, Lucas, Abijah Mann, Job Mann, W. Mason, M. Mason, S. Mason, May, McComas, McKennan, McKeon, McKim, McLene, Miller, Morgan, Owens, Page, Parks, Patterson, F. Pierce, D. J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Russell, Schenck, Seymour, Shinn, Smith, Speight, Sutherland, Taylor, John Thomson, Toucey, Towns, Turner, Vanderpoel, Washington, E. Whittlesey, T. T. Whittlesey—101.

Nays—Messrs. John Q. Adams, C. Allan, H. Allen, Bailey, Beaumont, Bockee, Bond, Briggs, Bunch, John Calhoon, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, John F. H. Claiborne, Coles, Crane, Everett, Forester, French, Fry, Granger, Grayson, Grennell, Griffin, Hannegan, Harlan, Harper, Hawes, Hawkins, Hiester, Hoar, Hopkins, Howard, Howell, Hunt, W. Jackson, Janes, Jenifer, Lawler, Lawrence, Lewis, Lincoln, Love, Loyall, Martin, McCarty, Mercer, Milligan, Montgomery, Morris, Parker, Patton, James A. Pearce, Phillips, Pinckney, Potts, Rencher, Robertson, Rogers, A. H. Shepperd, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Webster, L. Williams, S. Williams, Wise—74.

So the House determined that the main question be now put.

Mr. **McCARTY** called for the yeas and nays on the passage of the bill; which were ordered, and were: Yeas 104, nays 82, as follows:

Yeas—Messrs. Adams, Ash, Ashley, Barton, Bockee, Boon, Borden, Briggs, Brown, Buchanan, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Corwin, Cramer, Darlington, Davis, Denny, Dickerson, Doubleday, Efner, Fowler, Fry, W. K. Fuller, Galbraith, Gillet, Granger, Grennell, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, Janes, R. M. Johnson, H. Johnson, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, G. Lee, T. Lee, Leonard, Lincoln, Logan, Love, Lucas, J. Mann, W. Mason, S. Mason, May, McCarty, McKennan, McKim, McLene, Miller, Milligan, Morgan, Muhlenberg, Page, Patterson, Dutee J. Pearce, Phelps, Phillips, Potts, John Reynolds, Joseph Reynolds, Ripley, Schenck, Seymour, Shinn, Sickles, Sloane, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Vanderpoel, Ward, Wardwell, Washington, Webster, E. Whittlesey, T. T. Whittlesey—104.

Nays—Messrs. Chilton Allan, Beale, Bean, Beaumont, Bond, Bouldin, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Chapman, Nathaniel H. Claiborne, J. F. H. Claiborne, Coles, Connor, Craig, Cushman, Deberry, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, J. Garland, Grantland, Graves, Grayson, Griffin, J. Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Hopkins, Huntsman, William Jackson, Jarvis, Jenifer, Cave Johnson, John W. Jones, Lawler, Lewis, Loyall, Lyon, Abijah Mann, Martin, Moses Mason, McComas, McKay, Montgomery, Morris, Owens, Parker, Parks, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Pinckney, Rencher, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Smith, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener,, White, Lewis Williams, Sherrod Williams, Wise--82.

So the bill was passed.

MILITARY ROADS, &c.

The House next took up the bill making appropriations for certain military and other roads, and for examinations and surveys, for the year 1836.

The amendments of the Committee of the Whole, which have been heretofore noticed, were all concurred in.

Mr. **SMITH** moved to strike out the item of $30,000 for surveys, and called for the yeas and nays on his motion; which were ordered.

Mr. **CAMBRELENG** did not rise to debate the question, but to appeal to gentlemen to take the question without debate, as they had now but a very short time to act on some very important appropriation bills; which were yet before the House.

After a few words by Mr. **DENNY**, the question was taken and decided in the affirmative: Yeas 87, nays 84.

So the motion to strike out was agreed to.

Mr. **PEYTON** moved an additional section to the bill, to establish a port of entry at the mouth of Laurel, to be called Laurel.

Mr. **WILLIAMS**, of Kentucky, offered an amendment to the section, to appropriate $50,000 for the improvement of the Cumberland river, between the mouth of Laurel and Nashville, Tennessee.

Mr. **PEYTON** accepted the amendment, and read the report of one of the engineers to show the necessity of making this place a port of entry, and of making the appropriation proposed by the amendment.

Mr. P. called for the yeas and nays on his amendment; which were ordered.

Mr. **VINTON** said that, with a view of testing whether it was the sense of the House that these improvements should go on, he would move to lay the bill on the table, and on that motion called for the yeas and nays; which were ordered, and were: Yeas 85, nays 77.

So the bill was laid on the table.

CUMBERLAND ROAD.

The House then took up the "bill for continuing the Cumberland road east of the river Ohio."

After some remarks from Mr. **HARDIN**, he moved to lay the bill on the table; which motion was agreed to without a division.

The House then took up the bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois.

The amendment of the Committee of the Whole was concurred in.

Mr. **REYNOLDS**, of Illinois, called for the yeas and nays on the engrossment of the bill; which were ordered, and were: Yeas 92, nays, 80.

So the bill was ordered to be engrossed for a third reading to-morrow.

The House then took up the remaining bill, to continue the national road from the Mississippi river to Jefferson city, in the State of Missouri."

The amendment of the Committee of the Whole, to strike out that part of the bill providing for the grading of the road in such a manner as will permit the laying of rails thereon, was concurred in, and the bill was ordered to be engrossed for a third reading to-morrow.

CHEROKEE TREATY.

On motion of Mr. **CAMBRELENG**, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. Lincoln in the chair,) and resumed the consideration of the bill making further appropriations for carrying into effect certain Indian treaties.

The question pending was the motion of Mr. Adams to strike out the first section of the bill, as follows:

"For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of said treaty, $4,500,000."

Mr. **ADAMS** called for the reading of certain documents, and addressed the committee at length in support of his motion. Mr. A. reviewed the whole subject of our Indian policy, contending that the treaty with the Cherokees was not binding upon the House. Among the documents, which occupied upwards of three hours in the reading, was a letter of Major Davis, of Kentucky; which having been read,

Mr. **ADAMS** called on the delegation from Kentucky to give their evidence as to the character of Mr. Davis.

Messrs. **C. ALLAN, UNDERWOOD, HAWES**, and **HARDIN**, all bore testimony to the high character of the gentleman alluded to.

Messrs. **BOON** and **VANDERPOEL** bore testimony to the character of Mr. Schermerhorn.

Mr. **McKAY** having called for the reading of certain letters contained in the correspondence communicated to the House,

Mr. **WISE** said if the gentleman went on in this way, calling for certain extracts to be read, he should feel it his duty to call for the reading of the whole document.

Mr. **GRANTLAND** hoped the gentleman from Virginia would not call for the reading of a document so lengthy, at this period of the session, for the purpose of defeating the bill.

Mr. **CALHOON**, of Kentucky, said that Schermerhorn had stated in his letter that Major Davis had been removed from the situation he held in the Cherokee nation. Now, he was prepared to show that Mr. Davis never was removed, but that he had remained in office until he finished the business assigned to him. Schermerhorn had also stated that Davis was removed in consequence of representations to Major Bateman. So far from that, Major Bateman had written a complimentary letter to Mr. Davis about the time his office expired. All this he was prepared to show to the satisfaction of the committee.

Mr. **HAYNES** said he had understood that Mr. Davis was now exceedingly dissatisfied at this letter being made public.

Mr. **WISE** inquired if he had retracted any thing he had said in that letter.

Mr. **HAYNES** said he had not.

Mr. **WISE** said that, however anxious Georgia gentlemen might be for the passage of the bill, he would not be hurried one step beyond the snail's pace of justice.

Mr. **GRANTLAND** replied that Georgia was not more anxious than some other States to have this bill passed. She would have her lands whether the bill passed or not.

After a few remarks by Messrs. **WISE, LAWLER, EVERETT**, and **HAYNES**, the Clerk proceeded to read a variety of other letters contained in the document above alluded to.

Mr. **BOULDIN** said: I wish to make a few remarks upon the subject before the committee. It is one on which I have felt much, and have thought for some time.

What is the policy, the design, of the United States, in regard to the Indians? What has been their policy and their practice? Whence did they derive the title to all the wide domain of which they are the proud owner? Did they not derive it, or rather wrest it, from the possession of the natives—the Indians? and has it not been the uniform and persevering policy of the United States, hitherto, to drive them off, or exterminate them? What means this change of policy? Have they relented, or repented, and do they mean to change their policy? Let them, then, give up all the lands they have, by the tomahawk and scalping-knife, or the rifle, taken from that gallant but unfortunate race, and I will believe in their pity and their repentance. If they do not mean this, what do they mean? Do they mean, after having driven these unfortunate beings from the North and East to the South and Southwest, by treaties and cruelties far worse than have been lately practised, to use the whole power of the confederacy, thus acquired, to compel the people of Georgia and their neighbors to submit to the scalping-knife and the tomahawk? Do they mean that an independent savage nation shall remain forever in the heart of a civilized sovereign State? Do they believe this practicable—possible to be executed! Do they mean that these savages shall remain there, scalping and tomahawking, under the protection of the Federal Court or the Federal Government, until they have taken their vengeance on these helpless, defenceless women and children, and obtained as much money for their land as they may think proper to demand? Sir, what is to be the policy of this Government in regard to them? Will they abandon the idea of removing them? Will they cease to exterminate them? Do they think that by denying them all the privileges under our Government and protection under our laws, all participation in our privileges, and mixing of blood, we can make them friendly and civilize them? I again inquire, what is to be the policy hereafter in regard to them?

It is said they have been grossly cheated; that they will be compelled to give up this land by force, if they ever do surrender it. Sir, would they ever have surrendered their land, their home, and their country, had they not been compelled to do it? That we have taken this country from the savages, in whose possession it was when we found it, is certain; all the world knows it; and we could not disguise it if we desired to do so. What signifies this talk of relenting and repenting? If a man wrongs another, let him make restitution; let those that mean to alter their course in regard to the savages deliver up their country to them. When this is done, I will have some faith in this relenting and repenting. Let a man, or a country, or a State, or a section, relent and repent for himself or itself, and if they have robbed any, let them make restitution; restore the same back. I will not go to the Mosaical law, and require three or four-fold. Let them return the lands, and invite these Indians to them, and this will make entire peace with the Indians. But it is said these Indians have been dreadfully cheated, and to prove it several papers have been read, telling long tales both ways; the credibility of both witnesses is fully established. What shall we do with them? Believe both or neither? I believe they are both respectable men; I cannot question it; I do not wish to question it; they appear to be rivals for the favor of the Government, and do not look though the same glass.

This treaty has been made by our President and his officers, and ratified by the Senate, and shall I not believe them sooner than tales of this sort? Look, sir, too, at the sum: five millions six hundred thousand dollars! When was such a sum ever paid for Indian lands before? I am not particularly informed; but did all the lands for many miles on the Atlantic, from Maine to Georgia, cost that much money? If not, why should we infer that these Indians were cheated, when they have conveyed away a spot of land, (in general not very fertile,) in comparison with what has been acquired from them for less money, not larger than the palm of my hand, for this vast sum?

Mr. Chairman, I hope that neither you nor any other person, in or out of the House, will misunderstand me in regard to these people. I think they are a noble, gallant, injured, race. I think they have suffered nothing but wrong and injury from us, since the Anglo-Saxon race (borrowing an expression of Mr. Randolph, my predecessor, which seems to have become popular) first landed in this country. But as things are now, this nation of men cannot remain in the heart of civilization, unless they will submit to the laws of the States in which they reside. It is impossible to be executed, and in my opinion cruel to attempt it. The end of it will be, that a few of the whites will be barbarously killed, and the Indians exterminated. Sir, a melancholy overcasts my mind, whenever I think of this too probable issue in regard to the red man—his gradual but entire extinction. I believe, and ever have believed, that if the States where they reside would but treat them with humanity, and acknowledge their equality as men, and mix with them, and give them all the advantages of civilized men, and compel them to submit to the laws of civilization, they would find them worthy of their friendship and confidence. I must think this; for many of our first families and most distinguished patriots are descended from the Indian race. My heart compels me to feel for them; for some of my nearest relations (not that I have myself any of their blood) are descended from the Indian race. I always wish to see pursued the same policy that was suggested and practised by the gallant and wise Captain Smith, who made the first permanent settlement here. He treated them sternly, kindly, affectionately, and made them obey the laws of England, so far as the Indians fell within his jurisdiction. He encouraged marriages between them and the whites, and wrote a beautiful letter to Queen Anne concerning Pocahontas, setting forth the advantages of such a policy. After Pocahontas's marriage with Roulfe, during her life all was harmony between the whites and the Indians. This policy was advised by Patrick Henry, and many others of our wisest men and greatest patriots.

Other councils, however, have prevailed; those, in former days, who talked most of oppression towards Indians, and refused most positively to treat them as men, and as brethren and equals—who expected to civilize and make them friendly by talking of friendship and equal rights, and while they at the same time placed them in a situation necessarily hostile with the whites—contending toe to toe for the same acre of ground with the whites—who expected, after taking from the Indians their lands, and murdering their wives and children, to make them friendly by talking soft talk to them, about the cruelty and dishonesty of others who do the like—who thought it cruelty not to let them have fire-arms, and were surprised when they shot white men with them; I say, unhappily, the council of such men has hitherto prevailed; and by thus bringing the Anglo-Saxon race in direct conflict with the Indian, the Indian has been hitherto continually tending to extermination; and if this policy prevail, extermination must necessarily be his end. I never think of this thing but with pain. I think the North American Indian gallant, noble, generous; possessing every quality of mind, body, and spirit, to enable him to take a stand on the same level with the noblest race. There is no tribe among them that has shown more marks of these qualities, and not one perhaps as much civilization, this side of Mexico, from the first, as this tribe with which this treaty is made. If they would stay there, and obey the laws of the States where they reside, and the States would treat them as equals, according to their education and other circumstances, I should be highly gratified. But I fear, indeed I am too well persuaded, that this will not be the case; but that they will either go away under this treaty, or some other, not as favorable to them, or stay where they are until they share the fate of all the remnants of all the tribes of this unfortunate race, who have attempted to remain among the Anglo-Saxon race; a fate that is too painful to me to delineate particularly, and too well known to the world to make the performance of that painful duty necessary.

Alas! Mr. Chairman, this sickly sensibility, if it be real sensibility at all, has already well nigh exterminated a gallant race. The same thing, be it what it may, is now seeking to bring another race, far inferior, in every sense, into direct collision with the Anglo-Saxon breed, instead of being under the protection of the laws of civilized men. Suppose the negro brought toe to toe and point to point with this Anglo-Saxon race, what will be the issue? Mr. Chairman, look at the fact as history records it, and as we every day see it with our eyes.

The Indian, brought into direct collision with the Anglo-Saxon, is nearly exterminated. The negro, far inferior in every sense, under the protection of the laws of civilized men, (the Anglo-Saxons,) has multiplied beyond all others among us. Place this negro at points with our race, and what will be the issue? Does any man or woman doubt what will be the issue?

Should this exceeding great tenderness and honesty prevail, which has elbowed the negroes and Indians from the North and East, to the far West and South—yes, sir, elbowed them, or scalped them, or cheated them, or caused them to pine away and die with despair, after all the talk about humanity, and equality of men, emancipation, abolition, and all that—I say, should this still prevail, the consequence will be, that the Indian race will be exterminated from the face of the earth, and the negro from the face of North America.

But, sir, as I promised to say but little, I will draw to a close. As it appears that the President and Senate have ratified this treaty; as it appears that this is much the highest price that any nation of Indians has ever got for an equal quantity of land; as respectable white men disagree in statements about the manner of the execution of the treaty, (and I am well satisfied in my own mind that these Indians have been dealt as fairly by as any of whom we have got land, and as I ever expect them to be,) I shall vote for the appropriation. Sir, but a short time since, France had concluded a treaty with us, and the Chambers boggled a good deal (as we thought) about the appropriation of the money, to comply with it. What did we all say and think of that? I am not aware that treaties are made and ratified there with more or equal solemnity with a treaty made here by the President, and ratified by the Senate. Whatever individuals may say, or think, or pretend to think, the world in general does respect the solemn act of the President and Senate of the United States, and I shall certainly credit them, and confide in them, sooner than I will rely upon the contradictory statements of Indians and others, (strangers to me,) and who may have prejudices and biases which it is impossible for me to know. More money is given to them than ever was given to Indians for the same quantity of land of equal quality; and these high powers have confirmed the bargain and the treaty; and why should I withhold my vote for the appropriation? I see no good reason, and shall not withhold it. I am perfectly satisfied that both parties are benefited, under the circumstances, and I see no reason why the appropriation should be withheld. It is true, the idea of men leaving their home and their country, and marching in solemn procession to a strange land, is painful indeed; but the thought of being trampled under foot in their native land, is painful in the extreme. To remain, and see their race melting away like wax before the sun, must create sorrow beyond all measure, and drive men to utter despair. Present the other view of it, and compel me to choose between the blood of the Indian and that of my own kindred and country, and I must prefer my own. I am not one of those who, after having acquired, directly or indirectly, every foot of land that they own from the Indians, by means of titles far less excusable than this, are seized with a sudden tenderness of conscience just as the scalping-knife is uplifted over the heads of others, will hold their own and use the power that it and the strength of the Union gave them, (repenting suddenly, so far as others are concerned only,) holding these my kindred and countrymen, until they will come to the terms of the savage or submit, along with their wives and unoffending children, to the tomahawk and scalping-knife. The only thing worthy of doubt, or that could create difficulty, is the amount of the purchase-money. It is certainly very large; but considering that we are bound to extinguish the Indian title, and looking to the fact that we have sums so large in the Treasury, that many of the wisest and best are uneasy for the safety of our institutions, and the purity of our public functionaries, I feel no difficulty about it, and shall vote for the appropriation, without the least doubt of the propriety of the vote.

Mr. GRANTLAND said: I do not rise, Mr. Chairman, to discuss the merits of this Cherokee treaty, nor the manner in which it was made. I shall not, sir, inquire whether the whole Cherokee tribe, (for nation I will not call them,) or whether a majority, or less than a majority, of that tribe gave their assent to it; nor shall I, sir, consider it necessary to show that this treaty has been made with more than usual fairness, or that the agents of the Government, to effect an object not less beneficial to the Indians themselves than it is to several of the States, may not have used some of that address and management which is commonly practised by diplomatists, and especially in the making of Indian treaties. But, sir, I cannot forbear to remark that, of the almost numberless compacts made by this Government with Indians for the cession of their lands, all negotiated by commissioners appointed by the President, it very rarely happens that objection to any of them is made either in the confirmation by the Senate, or in the appropriation of money to carry them into effect by this House, unless it be with a tribe within the limits of Georgia; and then, sir, there is always doubt and difficulty and vexatious delay, if not a charge of fraud. How, sir, does this happen? Can it be that gentlemen are willing to shut their eyes and close their ears, and almost connive at frauds upon Indians, when the land is acquired for the benefit of all the States, and the especial convenience of their own constituents, but are ever wide awake, industrious, and vigilant, to hunt out and detect frauds, though none exist, when Indian lands are contracted for, which, under the compact of 1802, are for the benefit of Georgia alone? It might be considered indecorous, Mr. Chairman, were I to assert that this is the case; but every man must admit the thing has a suspicious appearance. Yes, sir, its aspect is more than suspicious—it has an awful squinting! and need I say at what?

My purpose, Mr. Chairman, in addressing the committee is, as I before stated, not to discuss this treaty; that, sir, has been done by one of my colleagues, and more ably by far than I could do it, and with a clearness and soundness of reasoning that will convince every member of this body whose mind is open to conviction; and I hope there are but few, though some there may be, who will not do us and themselves the justice of giving to this question a fair and dispassionate consideration.

It is sufficient, sir, for me, that this contract with the Cherokees was made by that department of the Government to which alone has been confided by the constitution the treaty-making power; it was concluded by commissioners of the United States, duly authorized to treat with the Indians, and has been approved by the Executive, and confirmed by the Senate. This, sir, is enough to satisfy me; let those who doubt seek for new lights, but I admonish them not to be led astray by some *ignis fatuus;* by plausible sophistry, or misplaced philanthropy. The treaty, sir, will speak for itself. It gives the Cherokees (besides an equal quantity of better land west of the Mississippi) about six millions of dollars for a country containing eight or nine millions of acres, nine tenths of which are mountains. But I again say, sir, that I did not rise to take part in the discussion of this treaty, but to repel the aspersions cast by the gentleman from Virginia [Mr. WISE] on the "faith and humanity of Georgia." That honorable gentleman has thought proper, sir, to charge the State which has sent me here, with bad faith in the observance of treaties, and with inhumanity to the Indians. These are grave charges, but I deny, sir, in the most emphatic manner, that the honorable gentleman can sustain his assertions, and I defy him to prove that which he has so rashly and unwarrantably said before this committee.

Now, sir, I shall proceed to show that it is not Georgia, but the General Government, that has acted with bad faith in the observance of compacts. It is known to you, Mr Chairman, and to every member of this committee, that in 1802 Georgia made a compact with the United States, by which the former ceded to the latter all her lands extending from the Chattahoochie to the Mississippi, and from the 31st to the 35th degree of north latitude, a territory of vast extent and almost unrivalled fertility, out of which have since been formed the flourishing States of Alabama and Mississippi. What, sir, were the conditions of that cession? One condition was the payment to her by the United States of the sum of $1,250,000, (out of the sale of her own lands,) which is less than a fourth part of the amount to be paid the Cherokees for their territory, which is not a tithe in quantity, and is generally mountainous and steril. But the main inducement with Georgia was to get possession of the Indian lands within her chartered limits. Has this been done? Could it have been done by the United States, as agreed upon in her contract with Georgia? I ask, sir, that the Clerk may read the preamble and the first and second articles of a treaty concluded by the United States with the Cherokees in the year 1817, and also part of a convention made with that tribe in 1819, which annuls or modifies the bargain of 1817, and makes one of a very different kind, without the consent of Georgia, deeply as she was concerned.

[The Clerk here read from vol. 6, pages 702-4, part of the treaty of 1817 alluded to, made with the Cherokees, by Andrew Jackson, Joseph McMinn, and David Meriwether; and the preamble and boundaries of a treaty made with the chiefs of the same tribe in 1819, by John C. Calhoun, Secretary of War.]

Now, Mr. Chairman, I have shown by the preamble to the treaty of 1817, which has just been read, that, so early as the year 1808, deputations from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington, the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life, in the country they then occupied, and to make known to the President the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include the waters of the Hiwassee river to the upper town; that, by thus contracting their society within the narrow limits, they proposed to begin the establishing of fixed laws, and a regular Government; the deputies from the lower towns to make known their desire to continue the hunter's life, and also the scarcity of game where they then lived, and, under these circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States.

Mr. Chairman, I ask your particular attention and that of the committee to the fact that the Cherokees of the upper towns, who desired to become agriculturists, were almost exclusively in Tennessee, North Carolina, and Alabama; that those of the lower towns, who wished to continue the hunter's life, and to emigrate, were in Georgia. The treaty of 1817 goes on to state that the Cherokees wishing to emigrate did explore the country on the Arkansas and White rivers, which they were pleased with, and had notified the President of their "anxious desire for the full and complete ratification of his promise" to give them lands there in exchange for those they held in Georgia; and, for that purpose, the treaty of 1817 was made. Fortunate would it have been, sir, for Georgia, and for the United States, if that treaty had not been set aside by the subsequent one of 1819. If the first contract had been adhered to, Georgia would not now be unjustly charged, as she has been, with bad faith and inhumanity; nor would any complaint have been made by her against the General Government for the non-performance of the compact of 1802.

The preamble to the treaty of 1819 states that the greater part of the Cherokee nation had expressed an earnest desire to remain on this side of the Mississippi. The United States, notwithstanding her engagements to Georgia, and without consulting her, chose to gratify them. And hence all the difficulties with the Cherokees.

Now, sir, I say boldly, and without fear of contradiction, that bad faith is not in this case imputable to Georgia, but to the United States, for failing to carry into effect the compact of 1802.

I shall now, Mr. Chairman, proceed to notice the gentleman's charge of inhumanity towards the Indians; and here, sir, I shall not find it necessary to refer to documents to prove what I say, though your library furnishes, as I am told, abundant evidence on this point. History, and the information of every gentleman of this body, will establish the fact that whatever may have been the legislation of Georgia in regard to these people, (and I candidly admit I have not always approved of it,) that she has no cause to apprehend any thing from a comparison between her and her sister States in the treatment of Indians. The best evidence in our favor is, that while the Indians in Georgia have increased in number, in most of the States they have diminished, and in some are extinct. Does it, sir, become the gentleman from Virginia to talk about humanity to Indians? to rail against what he may consider their oppression by other States? I ask that gentleman, what has become of the Indians who were once the sole occupants of all the lands in his own State? Where are the Pamunkies, the Nansemonds, and the Appamattoxes, the Rappahannocks, the Chickahominees, and the gigantic Susquehannocks? Where are they, sir? I put the question, Mr. Chairman, not to you, but to the honorable gentleman from Virginia. Are they not extinct, annihilated, or driven to the wilds of the far West? I can assure the gentleman from Virginia that I have no unfriendly feeling to his State; it is my native land, and I feel for it much affection—perhaps nearly as much as he does; but, much as I love Virginia, I love Georgia still more.

Mr. Chairman, the gentleman from Virginia made one remark in regard to my State which I was particularly sorry to hear from him. He said that Georgia, for persisting to execute her laws in regard to the Indians, and for refusing to obey the mandates of the Supreme Court, ought to have been "whipped into obedience" by the General Government. Whipped into obedience! Is that, sir, the honorable gentleman's State rights doctrine? I am sure it is not held to be orthodox doctrine by his State. Sir, I hope to God that I may not live to see the day, and that my children's children may not live to see it, when it shall be deemed necessary to "whip into obedience" any State for the assertion of her rights. But, sir, as some of the generals sent to the South have been thought rather slow in their movements, it is my wish (should it be deemed expedient to send one there on such an errand as this) that the gentleman from Virginia be selected to perform this operation of "whipping into obedience." I promise him, sir, that he will find a warm reception, and be happy if permitted to retrace his steps.

As so much has been said, Mr. Chairman, against Georgia, it may not be deemed obtrusive or irrelevant if I should say something in her favor; and, sir, with your permission, and that of the committee, I will briefly recapitulate a part of what she has done for herself and for this Union. She fought, sir, by the side of her sisters, and as valiantly as any of them, to achieve the liberty of this country. Her Clarks, and her Jacksons, her McIntoshes, and her Twiggses, are known in the history of the revolutionary war; as are the Cummings, the Applings, the Floyds, and the Newnans, in that of the late war. While menaced by the Indians on her extensive frontier, and the Britons on her seacoast, Georgia sent a considerable army to defend the then infant Territory of Alabama, (bone of our bone and flesh of our flesh,) which had been invaded by the enemy. When the Indian war broke out recently in Florida, our volunteers rushed to the standard of their country, as they have in the war with the Creeks. The bravery of Captain Garmany, and of his officers and men, and of Captain Horne, and his small detachment, when assailed by numbers greatly superior, is worthy of all praise.

But, sir, I can name circumstances to show that, in devotion to this Union, in public spirit and genuine patriotism, Georgia is not behind any of her sister States.

At a most critical period of the late war with Great Britain, when several of the Southern States had been invaded; after this Capitol had been laid in ashes, when your Treasury was empty, your credit tottering, and national bankruptcy was staring us in the face; when your Treasury notes, sir, which bore interest, were spurned as trash, and a preference over them given to notes of banks in this District, these last being at a discount of twenty per cent.; at this gloomy time, sir, when your Government could not furnish a dollar to the contractor or quartermaster of your army—at this crisis in your affairs, sir, what did not Georgia do? Sir, she poured out her treasury for the defence of the country; she furnished money to feed your soldiers, and to procure forage and transportation. She did more, sir; her patriotic Governor, Peter Early, (whose memory should be held dear by all Americans, and is revered by every Georgian,) pledged the faith of the State, and his own private fortune, to get loans from the banks for the use of the United States. This, sir, came within my own knowledge; and I doubt whether the interest paid by Georgia on loans thus obtained for the United States has yet been repaid to her. I know, sir, that it was, while General Mitchell was Governor of Georgia, and Mr. Rush Secretary of the Treasury, applied for and refused, on the ground that the Government never paid interest!

Mr. Chairman, I thank the committee for their patience and attention. I did not intend to have spoken on this occasion, and should not, but for the attack made upon my State by the gentleman from Virginia. Her character I will defend here and elsewhere.

Mr. CHAPMAN followed, in reply to Mr. ADAMS, and in defence of the validity of the treaty, which was made in good faith, and had been approved of by a majority of the Cherokee nation. He went on to show that such was the fact, that the treaty had undergone all the forms necessary, and that it had become a law binding upon both parties. The only objection was a technical one, arising out of some mere informality in the preliminaries; and in proof of this he cited the letters from John Ross and others to the Secretary of War; which chief, Mr. C. maintained, had himself acted with bad faith. This was the first instance of a treaty with these Indians where the inquiry had ever been made whether it was approved of by a majority of the nation or not, though there was no evidence to show that a majority of them, or rather of their chiefs, were not consenting to it. The protest was not a paper of that character deserving the consideration of the House; for, though he would not pronounce it a forgery, it was impossible, from the circumstances, to be authentic. The treaty was made at New Echota in December last, and it was impossible, out of a population of sixteen thousand individuals, scattered over a country of hundreds of miles in extent, that fifteen thousand of them could have examined its provisions so as to be enabled to pass their opinion upon it in so short a time. He then went on to show that the stipulations of the treaty were highly advantageous to the Indians, and gave them far more than an *ad valorem* equivalent for their lands.

Mr. HOAR moved that the committee rise, (¼ to 11, P. M.) Lost: Ayes 20, noes 100.

Mr. CAMBRELENG suggested that the bill be brought into the House and there discussed to-morrow.

Mr. BRIGGS preferred going into committee to-morrow morning at 9 o'clock, and proceeding with the bill, instead of having midnight sessions. Where was the necessity of passing the bill through committee to-night?

Mr. CAMBRELENG replied, that if not brought out of committee to-night, it would require two thirds afterwards to pass the bill. If, said Mr. C., you have had midnight sessions it is not our fault.

Mr. BRIGGS. Whose fault has it been?

Mr. CAMBRELENG. Those who have made long speeches.

Mr. WISE said he had made long speeches on that floor, and intentionally, and he now said it, and gentlemen ought to know it, for he was always candid, and had no sinister motive, no secret motive or secret design about this matter; he warned gentlemen that he did intend to oppose this bill, not in an unfair way, unless he was forced to do it at the risk of his health, and he would die in the attempt to defeat it.

Mr. HOAR then proceeded to argue upon the invalidity of the Cherokee treaty; and that it was not a fair compact, and was deficient of the requisites which should make it binding. He contended that no evidence had been adduced to show that the treaty was a treaty, a compact between parties competent to enter into it. On these points the honorable member dwelt at some length. Mr. H. concluded, and

Mr. LOVE then took the floor, and was proceeding to contend that the treaty was no treaty, when he gave way to

Mr. WILLIAMS, of North Carolina, who moved that the committee rise.

Mr. GRANTLAND said the friends of the bill had no disposition to harass the House, and he hoped they would consent to take up the bill to-morrow morning, at 10 o'clock. In that he wished the friends of the bill to acquiesce; and if there was any opposition to it, he hoped it would be made manifest.

Mr. GILLET said he rose to make a suggestion or two to the committee, and particularly to the friends of the bill. We have now but four days remaining of the present session. It is the general impression that Monday, the last day of the session, which is one of the four, will not be occupied, to any considerable extent, in the transaction of business. Many supposed we were to meet in the morning, read and correct the journal, and then adjourn. This would leave us but three days for transaction of business. By our rules, we cannot send an original bill from this House to the Senate on either of the three last days of the session. It results from this, that we have but one day after this to send our bills to the Senate. This bill is made the special order for to-morrow at twelve o'clock; and we should have only from that time until the adjournment of the Senate to-morrow, which, if it adjourns at the usual hour, will be five or six o'clock, in which to dispose of this bill. He would ask if it was expected this bill, with all the opposition it had to encounter, could be got out of the committee, be engrossed, read a third time, and passed, in that brief period? We may be told that if it is not passed during to-morrow, the joint rules may be suspended, and allow it to go to the Senate. This can be done; but it requires two thirds of the votes of those present to suspend the rules; and he would ask the friends of the bill if they were willing to weaken their hold, and place the measure at the mercy of one third? He, for one, as a friend of the bill, could not consent to it. Let us act now.

But we are told that we may commence two hours earlier to-morrow morning, and have that much more time to devote to this bill. Mr. G. said he could not yield his assent to that. We have only from ten to twelve to-morrow morning, in which to pass and send to the other House several important bills. He said this on the presumption that this bill would consume the residue of the day. Are we entirely to abandon all the other important bills? He would refer to a few only, to show what were remaining, which ought to be attended to before we finally adjourn. There was the bill on the subject of gold coins, the bill to fix the compensation of custom-house officers, the bill concerning ports of entry and drawback of duties, and to reorganize the Treasury Department, which were reported by himself; and there were others for the erection of custom-houses and marine hospitals, reported from the committee of which he was a member. The substantial interests of the country required these bills to be acted upon at this session. There were other bills, from other committees, equally important, he presumed, which ought to be considered. There were necessary appropriation bills still behind. He would ask, are we to jeopard all these, by placing them in the power of one third in each House? He thought not. It seemed to him that our duty to the country required that we should finish this bill before we adjourn this evening. If any of the bills which he had in charge should fail to be acted upon, he should consider himself blameless. It was known to all that not one of the bills he had mentioned had been in orders since they were reported.

A special order was made on the 26th of January last, and it had continued until within a few days past. At the moment of its expiration another was made, under which we are now acting. So it will be seen that from the 26th of January last to this time, no public bills have been in order in this House except those included in these special orders. From that day to this one third of the House has controlled all other public business. Thus far he had found it impossible to get up any of the public bills he had reported. He felt it to be his duty to make this explanation concerning the state of our business, which he considered a sufficient justification for desiring to finish this bill before we adjourn for to-day.

After some further remarks from Messrs. **WISE, ADAMS,** and **LEWIS,** who suggested that they meet to-morrow at nine o'clock, allow a reasonable length of time, and, meeting the bill on its merits, conclude its consideration. He asked if that was the general understanding of the committee.

Mr. **CHAMBERS,** of Kentucky, would answer for himself, that he would obstinately resist this bill to his utmost power of physical strength, and would sit there for hours, till after daylight, to defeat it.

After a few words from Messrs. **LEWIS, HUNTSMAN,** and **R. M. JOHNSON,** the committee rose and reported.

The Speaker having resumed the chair,

Mr. **LEWIS** said, with a view of giving the members of the House, as well the enemies as the friends of the bill, a full opportunity of discussing it, he moved that it be taken up at 11 o'clock to-morrow. Agreed to.

On motion of Mr. **REED,**

The House then adjourned.

Thursday, June 30.

DISTRICT BANKS.

On motion of Mr. **THOMAS,** in conformity with a special order, the House proceeded to the consideration of the bill from the Senate "to extend the charters of the banks of the District of Columbia, and for other purposes."

On motion of Mr. **W. B. SHEPARD,** the bill was amended by striking out the words "and funds equivalent to specie," wherever they occurred in the bill.

Mr. **THOMAS** asked the yeas and nays on ordering the bill to be read a third time, and they were ordered.

After some remarks from Mr. **GILLET,**

Mr. **GARLAND,** of Virginia, moved to strike out all after the enacting clause, and insert a substitute, renewing the charters of the several banks, as they now exist, till the 4th of July, 1838.

Mr. **THOMAS** moved to amend the amendment by striking out the Farmers and Mechanics' Bank of Georgetown. Lost.

After some remarks by Mr. **THOMAS,**

Mr. **W. B. SHEPARD** said he understood, when this bill was taken up, it was with the distinct understanding among those gentlemen who had the matter particularly in charge, that the House should express its opinion without debate. If, however, the debate was persisted in, he would reply to some assertions which had been made, otherwise he was disposed to comply rigidly with what seemed to be the wishes of the House. As regards the amendment of the gentleman from Virginia, [Mr. Garland,] at the request of several gentlemen, he would observe, for the information of the House, that he had no objection whatever to its adoption, but would rather prefer the amendment to the bill as it came from the Senate. It would allow the public mind time to recover from its present excited state upon the subject of banking, and for the House to act more understandingly upon this subject.

Mr. **FAIRFIELD** moved to strike out "4th of July, 1838," and insert "4th of March, 1837." Lost.

The motion of Mr. Garland was agreed to: Yeas 128, nays 50.

Mr. **LANE** demanded the previous question on ordering the bill to a third reading, and it was seconded.

The main question being taken, the amendment was ordered to be engrossed, and the bill read a third time to-day: Yeas 126, nays 55.

The bill was read a third time; and the question being on its passage,

Mr. **LANE** asked the previous question; which the House refused to second.

Mr. **MANN,** of New York, moved to lay the bill on the table. Lost.

The bill was then passed, without a division.

INDIAN TREATY APPROPRIATIONS.

The House, in pursuance of the special order, went into Committee of the Whole for the further consideration of the bill making appropriations to carry into effect certain Indian treaties. The question being on the motion of Mr. Adams to strike out the appropriations for the Cherokee treaty,

Mr. **LOVE** resumed his remarks. He was opposed to the treaty. He examined the history of the negotiation, and said the evidence was, that one of the parties did not contract; and asserted that it was affirmatively proved that the reverse was the fact, and that the Cherokee nation was almost universally opposed to this treaty. He read the following paragraph:

"And whereas the said commissioners did appoint and notify a general council of the nation, to convene at New Echota on the 21st day of December, 1835, and informed them that the commissioners would be prepared to make a treaty with the Cherokee people who should assemble there, and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council; and the people having met in council according to said notice"—

And argued that, if the commissioners had gone into the woods any where, and put up such a notice on a stick, and then had collected five Indians, the treaty would have been as binding as it was with two, or five hundred, which were said to have assembled. He said the truth of the whole matter had been disclosed by Major Davis, who had referred to many gentlemen now in this city for testimony as to his character, particularly to a gentleman from Kentucky, [Mr. R. M. Johnson,] upon whom he would call to state what he knew.

Mr. **R. M. JOHNSON,** in reply to a question addressed to him by Mr. Love, in the course of the remarks of that gentleman, rose and said: That being called upon to state what he knew of the standing of Major William M. Davis, he would, with very great pleasure, state that he had known him for many years, and very intimately; and that no man stood higher in the estimation of all who knew him, for honor, integrity, patriotism, and firmness. But to prevent any wrong impressions as to the feeling and opinions of Major Davis on this subject, he would add that he felt justified, from all his correspondence and various conversations with him, taking all the facts together up to this time, in saying that Major Davis, placed in his (Mr. Johnson's) situation, under all the circumstances of the case, would vote as he (Mr. J.) intended to vote, to carry into effect this treaty with the Cherokees.

Mr. **LOVE** went on to argue that the testimony of Major Davis, thus enforced by testimony to his high character, was ample to show that the treaty was obtained by fraud; and that to enforce its execution would be unjust. He also referred to a history of similar transactions, given by a Mr. Page, which was fully confirmed by the evidence of Major Davis. Mr. Page was there at the time, a guest of John Ross, in company with Schermerhorn, and knew the transactions relative to the treaty; and he knew that, at the council, the treaty was rejected by a large majority; and that, about the same time, John Ross and this Mr. Page were both taken by the Georgia guard, and carried into Georgia, where they were kept about two weeks. He said, if these two witnesses were to be believed, this Schermerhorn had acted in a way to disgrace a tyrant; and the whole history of this transaction, as shown in the documents, exhibited conduct wholly repugnant to the doctrines of the religion he professed, to do unto others as he would that others should do unto him. That a minister of religion, claiming to be commissioned from on high, should turn a cheat upon principle, only confirmed an opinion he had long held, that clergymen, turned politicians and office-hunters, are among the worst of bad men.

He deprecated the idea that such a man's doings, with all the evidence to show their baseness, should be made the ground of action of this Government to enforce a treaty thus made and protested against by the party so deeply interested. Mr. L. also examined the treaty, with a view to show that the contracting parties on the part of the Indians were not duly authorized, and that the nation had never ratified the treaty. When it could be shown that the treaty had been duly ratified by both parties to the contract, he would vote for any sum necessary to carry it into effect; and the amount of money required would be no obstacle in the way, for he approved of a high-minded, liberal course of dealing towards these red men. It was no answer to say that this treaty had been ratified and confirmed by the Senate; that was only by one party; and he asked if it had been ratified by the Cherokee nation? If it had not been so ratified by that nation, it was not binding upon them, and he would not vote for an appropriation. If they were to be treated with at all, it should be fairly and properly, as with other nations, and he would not have the Government go with a treaty in one hand and a sword in the other, to say, sign this paper, or we will drive you to it by force. The answer, that this was the best thing the Indians could do, and those who had any regard for them would vote to carry it into effect, changed entirely the character of the bill. It purported to be to carry a treaty into effect; but if the argument used was sound, and if it was determined to keep no faith with them, but to carry them away by force, at the point of the bayonet, he should like to have it so expressed in the bill, that it might tell the truth. As it now stood, he would never vote a dollar to carry into effect a pretended treaty, in all its circumstances blacker than hell. He had never heard of a treaty so obtained and so attempted to be enforced; and he would wash his hands of the blood that might, and probably would, be shed if it was attempted to be enforced.

Mr. LANE said he did not rise to go into the merits of the bill, nor to defend the administration; they needed no defence; but he rose to answer an inquiry of the gentleman from New York, [Mr. LOVE,] "who is this Schermerhorn?" He went on to say that he had long known Mr. Schermerhorn to be an honorable man, venerable in appearance and character, whose life and conversation were in accordance with his professions; and he thought there were many members of the House who knew him to be worthy of confidence as a man of truth and integrity.

Mr. HARDIN went at length into an examination of the treaty-making power, which, he said, by the constitution, was vested in the President and the Senate; and when, without violating the constitution and principles of government of the country, those powers had concluded and ratified a treaty, he thought it not competent for the House to inquire into the authority or conduct of the agent empowered to make the treaty. The duty of this House was only to appropriate all reasonable sums of money called for in the fulfilment of treaties so made. The inquiry proper to be made by this House now was, whether this treaty had been concluded and ratified in a proper manner. He believed it had; and the remarks that the agents of the other party were not duly authorized, he thought not proper for the consideration of the House; that question might have affected the ratification. Neither did he think it a proper subject of inquiry by the House, whether the treaty would or would not operate injustice and oppression. It was a treaty which the President was competent to make, which the Senate had ratified; and if it violated no part of the constitution, if it proposed no dismemberment of the Union, if it deprived the people of this country of no right, then he thought the House was bound to make the appropriation necessary to carry it into effect.

Mr. ROBERTSON went at length into an examination of the details and principles of the treaty, and examined the evidence contended for by the friends of the bill, to show that the treaty was made by the Cherokee nation; and it having been said that John Ross and others were willing to submit to the decision of the Senate, and ought not now to protest against its execution, he read the following letter:

"WAR DEPARTMENT, *Feb.* 28, 1835.

"SIR: Having submitted a proposition for a final adjustment of our difficulties with the Government of the United States, and understanding that the President deems it to be too extravagant, we must beg that the subject be referred to the Senate for its sense on the question: the President having often told us that he would go as far as the Senate would allow him in regard to money matters.

"We therefore trust that he will adopt this course. Being extremely desirous that this unhappy controversy might be speedily adjusted, and deeply sensible of our dependent condition, and confiding in the liberal justice of the United States Government, we are prepared, so far as we are concerned, to abide the award of the sense of the American Senate upon our proposition, and to recommend the same for the final determination of our nation.

"We have the honor to be, sir, very respectfully, your obedient humble servants,

"JNO. ROSS.
"R. TAYLOR.
"DANL. McCOY.
"SAML. GUNTER.
"WM. ROGERS.

To the Hon. LEWIS CASS,
Secretary of War."

To this he replied that they were willing to submit the terms of a treaty to be made and their negotiation here, and it did not follow that they were willing to submit a treaty to be made at New Echota afterwards; nor did it follow that they must assent to such a treaty. Mr. R. then examined the evidence to show that the agents were not duly authorized, and that the treaty was not properly and fairly concluded; which was wholly uncontradicted, and was conclusive to show that the treaty ought not to be enforced. He contended at length that the treaty, to be binding upon the Cherokees, must be the act of a majority of the Cherokee people. It was an act of cession of their lands, and nothing less than the assent of a majority, fairly obtained, could be a sufficient ratification. Here the treaty had been made by a few persons, collected by Schermerhorn, and the whole tribe now protest solemnly that those persons acted without authority. The commissioners were instructed to convene the whole people, and not to treat with any other authority; and in this respect the commissioners had violated their instructions. Mr. R. then went into an argument at length, upon the various points of evidence and the principles involved; and suggested that this treaty ought to be set aside, and another treaty made with the whole Cherokee nation. If this course was not pursued, if the treaty was to be enforced, he anticipated that it would be necessary to send an armed force to execute it; and he hoped the magnanimity of the House would not pursue a course so unjust and so illiberal.

When Mr. Robertson had concluded his remarks, the House took the usual recess.

Evening Session.

DEATH OF EX-PRESIDENT MADISON.

On the Speaker's resuming the chair, at 4 o'clock, he announced the following message from the President of the United States:

Washington, *June* 30, 1836.

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States. He departed this life at half past six o'clock on the morning of the 28th instant, full of years and of honor.

I hasten this communication, in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

The message having been read,

Mr. PATTON, of Virginia, said that the particular relation in which he stood, as his immediate representative and personal friend, towards the great public benefactor whose decease, "full of years and full of honors," had just been announced by the message of the President of the United States, had induced the Virginia delegation to devolve upon him the mournful duty of proposing for the adoption of the House the resolution he was about to offer, for the purpose of determining upon the course to be pursued for giving expression to the national sensibility to the great bereavement we had suffered.

I do not, however, Mr. Speaker, feel it to be a suitable occasion in which to employ or indulge in any studied phrase of panegyric upon the public or private virtues of the venerable man whose loss we deplore.

It is true, sir, that, early imbued with the sincerest veneration for the character of Mr. Madison, with the profoundest admiration of his talents, and the warmest gratitude for his eminent and varied public services, there is no language that I could employ which would exaggerate the deep emotion with which I have been impressed by the melancholy intelligence of his death. And I am sure that it would be equally impossible for me to speak of him in any terms that would depict an individual pre-eminent in all the virtues of social and private life, or one that combined the merits of a patriot, statesman, and sage, that would not find a ready and full response in the minds and hearts of all who hear me. But it is not a feeble effort of this kind, such as I could make, nor even by the highest effort of human eloquence, the lofty inspiration of poetry, "the storied urn or animated bust," that can rear an appropriate monument to the memory of Mr. Madison, or erect a suitable monument to his fame.

His appropriate and enduring eulogium is to be found inscribed in those pages of his country's history which are identified with her honor and glory. It is engraved upon every pillar of that splendid fabric of constitutional liberty under which we live. It is identified with the existence of that glorious union of confederated States which he contributed so essentially to form, and the maintenance and preservation of which, with all its numerous blessings, were the constant objects of his care during his long, laborious, and useful public life, and of his most earnest and anxious solicitude in the shades of retirement.

And, Mr. Speaker, another and not less decisive and more affecting evidence of his merit and title to public gratitude will be found in the deep grief with which his loss will be deplored by every man in the nation as a great national calamity. I offer the resolution which I now send to the chair.

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States to this House.

The resolution having been read,

Mr. ADAMS rose, and addressed the Speaker. By the general sense of the House, (said he,) it is with perfect propriety that the delegation from the Commonwealth of Virginia have taken the lead in the melancholy duty of proposing the measures suitable to be adopted as testimonials of the veneration due from the Legislature of the Union to the memory of the departed patriot and sage, the native of their soil, and the citizen of their community.

It is not without some hesitation, and some diffidence, that I have risen to offer in my own behalf, and in that of my colleagues upon this floor, and of our common constituents, to join our voice, at once of mourning and of exultation, at the event announced to both Houses of Congress by the message from the President of the United States—of mourning at the bereavement which has befallen our common country by the decease of one of her most illustrious sons; of exultation at the spectacle afforded to the observation of the civilized world, and for the emulation of aftertimes, by the close of a life of usefulness and of glory, after forty years of service in trusts of the highest dignity and splendor that a confiding country could bestow, succeeded by twenty years of retirement and private life, not inferior, in the estimation of the virtuous and the wise, to the honors of the highest station that ambition can ever attain.

Of the public life of James Madison what could I say that is not deeply impressed upon the memory and upon the heart of every one within the sound of my voice? Of his private life, what but must meet an echoing shout of applause from every voice within this hall? Is it not in a pre-eminent degree by emanations from his mind that we are assembled here as the Representatives of the people and States of this Union? Is it not transcendently by his exertions that we all address each other here by the endearing appellation of countrymen and fellow-citizens? Of that band of benefactors of the human race, the founders of the constitution of the United States, James Madison is the last who has gone to his reward. Their glorious work has survived them all. They have transmitted the precious bond of union to us, now entirely a succeeding generation to them. May it never cease to be a voice of admonition to us of our duty to transmit the inheritance unimpaired to our children of the rising age.

Of the personal relations with this great man, which gave rise to the long career of public service in which twenty years of my own life have been engaged, it becomes me not to speak. The fulness of the heart must be silent, even to the suppression of the overflowings of gratitude and affection.

A message was received from the Senate, announcing the adoption of the following resolution by that body:

"In Senate of the United States,
June 30, 1836.

"*Resolved*, That a committee be appointed on the part of the Senate, to join such a committee as may be appointed on the part of the House, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States.

"*Ordered*, That Mr. Rives, Mr. Clay, Mr. Calhoun, Mr. Grundy, Mr. Buchanan, Mr. Leigh, and Mr. Tallmadge, be the committee.

"Attest: WALTER LOWRIE, *Sec'y.*"

The House concurred in the resolution, and, according to a previous order of the House, the committee was ordered to consist of one from each State in the Union; and the following gentlemen were appointed:

Mr. Patton, of Virginia; Mr. Mason, of Maine; Mr. Cushman, of New Hampshire; Mr. Adams, of Massachusetts; Mr. Toucey, of Connecticut; Mr. Pearce, of Rhode Island; Mr. Allen, of Vermont; Mr. Ward, of New York; Mr. Parker, of New Jersey; Mr. Anthony, of Pennsylvania; Mr. Milligan, of Delaware; Mr. Washington, of Maryland; Mr. Deberry, of North Carolina; Mr. Griffin, of South Carolina; Mr. Coffee, of Georgia; Mr. Johnson, of Kentucky; Mr. Dunlap, of Tennessee; Mr. McLene, of Ohio; Mr. Ripley, of Louisiana; Mr. Carr, of Indiana; Mr. Claiborne, of Mississippi; Mr. Reynolds, of Illinois; Mr. Lyon, of Alabama; Mr. Harrison, of Missouri.

CHEROKEE TREATY.

The House then went into Committee of the Whole (Mr. Lincoln in the chair) on the "bill making further appropriations for carrying into effect certain Indian treaties, and for other purposes."

The question pending was the motion of Mr. Adams to strike out the following clause:

"For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of the treaty, $4,500,000."

Mr. CALHOON, of Kentucky, addressed the committee at some length in opposition to making the appropriation. He did not regard this as a treaty at all, and would not vote this appropriation under any consideration. Should it be said that the Government, because it had the power, should force this fraud upon the Cherokee nation? for no man could say that it was a treaty. He would take occasion to ask the chairman of the Committee of Ways and Means to state the items on which the thirty-five thousand dollars for bearing the expenses of making this treaty were based.

Mr. CAMBRELENG stated that twenty-nine thousand dollars were for bearing the expenses of the delegation from the western to the eastern Cherokees, and from that to Washington; and six thousand dollars for the expenses of the commissioners in the negotiation of the treaty.

Mr. CALHOON resumed, and said he was satisfied with the explanation; but he would like to see the vouchers from which this appropriation was made out, or to know whether there were any. He then went on to show, by a reference to letters, that the statements of Mr. Schermerhorn, in relation to Major Davis, were unfounded in fact.

The question was taken on the motion to strike out; which was decided in the negative, without a division.

Mr. WISE then offered an amendment to strike out the clause above alluded to, and insert an appropriation of $4,500,000, for the purchase of a tract of country west of the Mississippi, for the use of the Cherokee nation, omitting all reference to the treaty. Mr. W. denied that there was a treaty, and called upon gentlemen to say whether there was one.

Mr. DUNLAP replied that there had been a treaty made under the authority of the President, and confirmed by the Senate; and this treaty was made under the constitution of our country.

Mr. WISE resumed, and denied that there was any bonafide treaty; because the Cherokee nation had never agreed to this treaty, and now almost unanimously protested against it. He contended that the whole proceeding in relation to the negotiation was a fraud upon the Indians. This Mr. Schermerhorn was a complete "rawhead and bloody-bones" to these ignorant Indians, while their chiefs were at Washington, and he had made with them what he called a treaty with a very small portion of the Cherokees. Mr. W. quoted from various documents, and addressed the committee for about three hours.

Mr. PEYTON followed, in reply to Mr. Wise, and in support of the appropriation. He denounced Messrs. Schermerhorn and Currie as the two worst agents that could have been selected in all God's creation, and entered into an examination of the character of all Indian treaties, which could not be weighed by the rigid rules of Puffendorf, Grotius, and Vattel. So far from their having been made, or avowedly made, between equal contracting parties, they had always been made by force. Mr. P. then moved that the committee rise and report the bill to the House.

Mr. WISE remarked that his amendment was pending, and he trusted it met his friend from Tennessee's view. Let us (said Mr. W.) vote the money, but strike out all about a treaty, which was a thing not in *esse*.

Mr. BOON said he had heard the letters of Messrs. Davis and Schermerhorn read, but neither of them weighed any thing with him, coming, as they did, from persons who were interested. It was enough for him to know that the treaty had been approved by the Executive, and ratified by two thirds of the Senate; and he would vote for it, in that case, if its stipulations took every dollar of the surplus revenue out of the Treasury. Let the contracting parties—the President of the United States, and the commissioners making the treaty, and the Senate of the United States confirming it—be responsible for the act; he would vote for the appropriation.

The amendment of Mr. Wise was then disagreed to without a division.

Mr. BELL proposed an additional item of $30,000 to defray the expenses of removing the Choctaw Indians residing within the State of Mississippi to their location west of the Mississippi river; which was agreed to.

Mr. B. moved an amendment fixing the time of the payment of the pension to Colonel Gideon Morgan, from 22d of March, 1814, agreeably to the 14th article of the Cherokee treaty. [Colonel M. was wounded at the battle of the Horse-Shoe.] Agreed to.

Mr. CAMBRELENG moved to increase the item of $35,000 for the negotiatory and other expenses attending the Cherokee treaty to $37,212; which was agreed to.

Mr. C. also moved an additional clause appropriating $7,000 for surveying the lands set apart for the Cherokees under the stipulations of the treaty. Agreed to.

Mr. C. moved an additional section, providing that no part of the appropriation heretofore made under the treaty with the eastern Creeks should be paid to any Indians engaged in hostilities against the United States, except in such a change of circumstances as to induce the President of the United States to direct otherwise. Agreed to.

Mr. C. also moved a further section, extending the provisions of a bill relating to the Winnebago Indians; which was agreed to.

Mr. WISE called for a statement, item by item, of the appropriation of $35,000 for expenses attending the negotiation of the said treaty, and of the delegation.

Mr. CAMBRELENG said the gentleman from Kentucky had put the same question, which Mr. C. had then answered. Mr. C. then stated the items composing the aggregate, part of which were provided for under the fifth article of the treaty.

Mr. WISE was not satisfied with the explanation, and he moved to strike out the clause as follows:

"For expenses attending the negotiation of the said treaty, and of the delegation, according to the fifth article of said supplemental treaty, thirty-five thousand dollars" Lost without a count.

On motion of Mr. CAMBRELENG, the committee rose (at a quarter to 9 P. M.) and reported the bill and amendments to the House.

The Speaker having resumed the chair, the amendments of the Committee of the Whole were severally concurred in without a division; and the question being on the engrossment of the bill,

Mr. ADAMS asked for the yeas and nays; which were ordered, and were: Yeas 125, nays 43, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Bean, Bell, Bockee, Boon, Bouldin, Bunch, Burns, Cambreleng, Campbell, Carter, Casey, Chaney, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, French, Fry, William K. Fuller, J. Garland, R. Garland, Gillet, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harper, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Huntsman, Ingham, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Judson, Kilgore, Lane, Lansing, Lawler, G. Lee, L. Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, Martin, J. Y. Mason, W. Mason, M. Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Parker, Parks, Patterson, F. Pierce, D. J. Pearce, J. A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, William B. Shepard, Shinn, Sickles, Smith, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, White, T. T. Whittlesey, S. Williams—125.

Nays—Messrs. Adams, C. Allan, H. Allen, Ashley, Beale, Beaumont, Briggs, J. Calhoon, W. B. Calhoun, N. H. Claiborne, Clark, Cushing, Deberry, Denny, Evans, Everett, Graves, Grennell, Hard, Hazeltine, Henderson, Hiester, Hoar, Hunt, Ingersoll, Jenifer, Lawrence, Lincoln, Love, McCarty, Milligan, Morris, Phillips, Potts, Reed, Robertson, Russell, Slade, Taliaferro, Vinton, E. Whittlesey, L. Williams, Wise—43.

So the bill was ordered to be engrossed for a third reading; and having been engrossed, was read a third time.

Mr. VINTON asked for the yeas and nays on the final passage; which were ordered, and were: Yeas 127, nays 54, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Bean, Bell, Bockee, Bouldin, Boyd, Bunch, Burns, Cambreleng, Campbell, Casey, Chaney, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, French, Fry, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harper, A. G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Hubley, Huntsman, Ingham, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, G. Lee, T. Lee, L. Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, J. Mann, Martin, J. Y. Mason, W. Mason, M. Mason, Maury, May, McKay, McKim, Miller, Montgomery, Morgan, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, William B. Shepard, Shields, Shinn, Sickles, Smith, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Wagener, Ward, Wardwell, Washington, Webster, White, T. T. Whittlesey, S. Williams—127.

Nays—Messrs. Adams, C. Allan, H. Allen, Ashley, Bailey, Beale, Beaumont, Bond, Briggs, John Calhoon, W. B. Calhoun, G. Chambers, N. H. Claiborne, Clark, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Graves, Grennell, Hard, Harlan, Hazeltine, Henderson, Hiester, Hoar, Howell, Hunt, Ingersoll, Jenifer, Lawrence, Lay, Lincoln, Love, S. Mason, McCarty, McKennan, Mercer, Milligan, Morris, Phillips, Potts, Reed, Robertson, Russell, Slade, Taliaferro, Vinton, E. Whittlesey, L. Williams, Wise—54.

So the bill was passed.

INDIAN HOSTILITIES.

On motion of Mr. CAMBRELENG, the committee took up the "bill making appropriations for the suppression of Indian hostilities, and for other purposes."

[The bill made applicable a balance of a former appropriation of $1,000,000, and further appropriated the sum of $2,400,000 for the objects stated in the title.]

Mr. STORER said he had voted this evening upwards of $5,000,000 to remove these Indians peaceably, and he did so on proper grounds; but the document from the War Department did not, in his opinion, justify this additional call of two millions and a half. Moreover, he had heard it stated that the Creek war was at an end. He could conceive, then, of no other object for this large appropriation than this: that the magnificent scheme of fortifications having been voted down by the House and the Senate, the object now was to exhaust as much as possible of the surplus to be distributed in January next. He was not disposed to stint these appropriations; and, if satisfied they were necessary, he would go to the verge of liberality. Mr. S. moved to reduce the second section to $1,000,000.

Mr. WHITE, of Florida, entered into an explanation of the necessity of the appropriation. There were now between six and seven thousand men employed in the Creek campaign. A portion of the appropriation was already expended, and drafts were coming in every day. No one knew for certain that the Creek war was ended; but it would be better to appropriate as much as might be necessary in case of exigency, since no more would be expended than was required.

Mr. STORER was satisfied with the explanation, and withdrew the amendment.

Mr. PEYTON moved an additional section, providing that the horses of the mounted volunteers received into the service under the act passed at the present session of Congress should be sold as the property of the Government, when the said volunteers were discharged from the service, and each volunteer should receive the sum at which each horse was valued at the time he entered the service. Lost.

The bill was then laid aside.

WEST POINT ACADEMY.

On motion of Mr. CAMBRELENG, the committee then took up the "bill making appropriations for the Military Academy of the United States, for the year 1836."

An amendment, inserting some small additional item, was moved by Mr. INGERSOLL, and agreed to.

Mr. PIERCE, of New Hampshire, rose and addressed the Chair as follows:

Mr. Chairman: An attempt was made during the last Congress to bring the subject of the reorganization of the Military Academy before the country, through a report of a committee. The same thing has been done during the present session, again and again, but all efforts have proved alike unsuccessful! Still, you do not cease to call for appropriations; you require the people's money for the support of the institution, while you refuse them the light necessary to enable them to judge of the propriety of your annual requisitions.

Whether the amount proposed to be appropriated by the bill upon your table is too great or too small, or precisely sufficient to cover the current expenses of the institution, is a matter into which I will not at present inquire; but I shall feel bound to oppose the bill in every stage of its progress. I cannot vote a single dollar until the resolution of inquiry, presented by my friend from Kentucky, [Mr. HAWES,] at an early day in the session, shall be first taken up and disposed of. I am aware, sir, that it will be said, because I have heard the same declaration on a former occasion, that this is not the proper time to discuss the merits of the institution; that the bill is to make provision for expenses already incurred in part; and whatever opinions may be entertained upon the necessity of a reorganization, the appropriation must be made. I say to gentlemen who are opposed to the principles of the institution, and to those who believe that abuses exist, which ought to be exposed and corrected, that now is their only time, and this the only opportunity during the present session, to attain their object, and I trust they will steadily resist the bill until its friends shall find it necessary to take up the resolution of inquiry and give it its proper reference.

Sir, why has this investigation been resisted? Is it not an institution which has already cost this country more than three millions of dollars, for which you propose, in this very bill, an appropriation of more than one hundred and thirty thousand dollars, and which at the same time, in the estimation of a large portion of the citizens of this Union, has failed, eminently failed, to fulfil the objects for which it was established, of sufficient interest and importance to claim the consideration of a committee of this House, and of the House itself?

I should have expected the resolution of the gentleman from Kentucky, [Mr. HAWES,] merely proposing an inquiry, to pass without opposition, had I not witnessed the strong sensation, nay, excitement, that was produced here, at the last session, by the presentation of his yet unpublished report. Sir, if you would have an exhibition of highly excited feeling, it requires little observation to learn that you may produce it at any moment by attacking such laws as confer exclusive and gratuitous privileges. The adoption of the resolution of inquiry, at the last session of Congress, and the appointment of a select committee under it, were made occasion of newspaper paragraphs, which, in tone of lamentation and direful prediction, rivalled the most highly wrought specimens of the panic era. One of those articles I preserved, and have before me. It commences thus: "*The architects of ruin.*—This name has been appropriately given to those who are leading on the base, the ignorant, and the unprincipled, in a remorseless war upon all the guards and defences of society."

I introduce it here merely to show what are, in certain quarters, considered the guards and defences of society. After various compliments, similar to that just cited, the article proceeds: "All this is dangerous as novel, and the ultimate results cannot be contemplated without anxiety. If this spirit extends, who can check it? 'Down with the Bank;' 'down with the Military Academy;' 'down with the Judiciary;' 'down with the Senate;' will be followed by watchwords of a worse character." Here, Mr. Chairman, you have the United States Bank first, and then the Military Academy, as the guards and defences of your country. If it be so, you are indeed feebly protected. One of these guards and defences is already tottering. And who are "the architects of ruin" that have resolved its downfal? Are they the base, the ignorant, and the unprincipled? No, sir. The most pure and patriotic portion of your community; the staid, industrious, intelligent, farmers and mechanics, through a public servant, who has met responsibilities, and seconded their wishes, with equal intrepidity and success, in the camp and in the cabinet, have accomplished this great work. Mr. Chairman, there is no real danger to be apprehended from this much-dreaded levelling principle.

From the midling interest you have derived your most able and efficient support in the most gloomy and trying periods of your history. And what have they asked in return? Nothing but the common advantages and blessings of a free Government, administered under equal and impartial laws. They are responsible for no portion of your legislation, which, through its partial and unjust operation, has shaken this Union to its centre. That has had its origin in a different quarter, sustained by wealth, the wealth of monopolies, and the power and influence which wealth, thus accumulated and disposed, never fails to control. Indeed, sir, while far from demanding at your hands special favors for themselves, they have not, in my judgment, been sufficiently jealous of all legislation conferring exclusive and gratuitous privileges.

That the law creating the institution of which I am now speaking, and the practice under it, is strongly marked by both these characteristics, is apparent at a single glance. It is gratuitous, because those who are so fortunate as to obtain admission there receive their education without any obligation, except such as a sense of honor may impose, to return, either by service or otherwise, the slightest equivalent. It is exclusive, inasmuch as only one youth out of a population of more than 47,000 can participate in its advantages at the same time; and those who are successful are admitted at an age, when their characters cannot have become developed, and with very little knowledge of their adaptation, mental or physical, for military life. The system disregards one of those great principles which, carried into practice, contributed, perhaps, more than any other to render the arms of Napoleon invincible for so many years. Who does not perceive that it destroys the very life and spring of military ardor and enthusiasm, by utterly foreclosing all hope of promotion to the soldier and non-commissioned officer? However meritorious may be his services, however pre-eminent may become his qualifications for command, all is unavailing. The portcullis is dropped between him and preferment; the wisdom of your laws having provided another criterion than that of admitted courage and conduct, by which to determine who are worthy of command. They have made an Academy, where a certain number of young gentlemen are educated annually at the public expense, and to which there is, of consequence, a general rush, not so much from sentiments of patriotism and a taste for military life, as from motives less worthy—the avenue, and the only avenue, to rank in your army. These are truths, Mr. Chairman, which no man will pretend to deny; and I leave it for this House and the nation to determine whether they do not exhibit a spirit of exclusiveness, alike at variance with the genius of your Government and the efficiency and chivalrous character of your military force.

Sir, no man can feel more deeply interested in the army, or entertain a higher regard for it, than myself. My earliest recollections connect themselves fondly and gratefully with the names of the brave men who, relinquishing the quiet and security of civil life, were staking their all upon the defence of their country's rights and honor. One of the most distinguished among that noble band now occupies and honors a seat upon this floor.

It is not fit that I should indulge in expressions of personal respect and admiration, which I am sure would find a hearty response in the bosom of every member of this committee. I allude to him merely to express the hope that, on some occasion, we may have, upon this subject, the benefit of his experience and observation. And if his opinions shall differ from my own, I promise carefully to review every step by which I have been led to my present conclusions. You cannot mistake me, sir; I refer to the hero of Erie. I have declared myself the friend of the army. Satisfy me, then, what measures are best calculated to render it effective, and what all desire it to be, and I go for the proposition with my whole heart.

But I cannot believe that the Military Academy, as at present organized, is calculated to accomplish this desirable end. It may, and undoubtedly does, send forth into the country much military knowledge; but the advantage which your army, or that which will constitute your army in time of need, derives from it, is by no means commensurate with the expense you incur. Here, Mr. Chairman, permit me to say that I deny, utterly, the expediency, and the right to educate, at the public expense, any number of young men who, on the completion of their education, are not to form a portion of your military force, but to return to the walks of private life. Such was never the operation of the Military Academy until after the law of 1812; and the doctrine, so far as I have been able to ascertain, was first formally announced by a distinguished individual, at this time sufficiently jealous of the exercise of executive patronage, and greatly alarmed by what he conceives to be the tendencies of this Government to centralism and consolidation. It may be found in the report of the Secretary of War, communicated to Congress in 1819.

If it shall, upon due consideration, receive the sanction of Congress and the country, I can see no limit to the exercise of power and Government patronage. Follow out the principle, and where will it lead you? You confer upon the National Government the absolute guardianship of literature and science, military and civil; you need not stop at military science; any one, in the wide range of sciences, becomes at once a legitimate and constitutional object of your patronage; you are confined by no limit but your discretion; you have no check but your own good pleasure. If you may afford instruction, at the public expense, in the languages, in philosophy, in chemistry, and in the exact sciences, to young gentlemen who are under no obligation to enter the service of their country, but are, in fact, destined for civil life, why may you not, by parity of reasoning, provide the means of a legal, or theological, or medical education, on the ground that the recipients of your bounty will carry forth a fund of useful knowledge, that may, at some time, under some circumstances, produce a beneficial influence, and promote "the general welfare?" Sir, I fear that even some of us may live to see the day when this "general welfare" of your constitution will leave us little ground to boast of a Government of limited powers. But I did not propose at this time to discuss the abstract question of constitutional right. I will regard the expediency alone; and whether the power exist or not, its exercise, in an institution like this, is subversive of the only principle upon which a school, conducted at the public expense, can be made profitable to the public service—that of making an admission into your school, and an education there, secondary to an appointment in the army. Sir, this distinctive feature characterized all your legislation, and all executive recommendations, down to 1810.

I may as well notice here, as at any time, an answer which has always been ready when objections have been raised to this institution—an answer which, if it has not proved quite satisfactory to minds that yield their assent more readily to strong reasons than to the authority of great names, has yet, unquestionably, exercised a powerful influence upon the public mind. It has not gone forth upon the authority of an individual merely, but has been published to the world with the approbation of a committee of a former Congress. It is this: that the institution has received at different times the sanction of such names as Washington, Adams, and Jefferson; and this has been claimed with such boldness, and in a form so imposing, as almost to forbid any question of its accuracy. If this were correct, in point of fact, it would be entitled to the most profound respect and consideration, and no change should be urged against the weight of such authority, without mature deliberation, and thorough conviction of expediency. Unfortunately for the advocates of the institution, and fortunately for the interests of the country, this claim cannot be sustained by reference to executive documents, from the first report of General Knox, in 1790, to the close of Mr. Jefferson's administration.

The error has undoubtedly innocently occurred, by confounding the Military Academy at West Point as it was, with the Military Academy at West Point as it is. The report of Secretary Knox, just referred to, is characterized by this distinctive feature—that the corps proposed to be organized were "to serve as an actual defence to the community," and to constitute a part of the active military force of the country, "to serve in the field, or on the frontier, or in the fortifications of the seacoast, as the commander-in-chief may direct." At a later period, the report of the Secretary of War (Mr. McHenry,) communicated to Congress in 1800, although it proposed a plan for military schools, differing in many essential particulars from those which had preceded it, still retained the distinctive feature just named as characterizing the report of General Knox.

With regard to educating young men gratuitously, which, whatever may have been the design, I am prepared to show is the practical operation of the Academy, as at present organized, I cannot, perhaps, exhibit more clearly the sentiments of the Executive at that early day, urgent as was the occasion, and strong as must have been the desire, to give strength and efficiency to the military force, than by reading one or two paragraphs from a supplementary report of Secretary McHenry, addressed to the chairman of the Committee of Defence, on the 31st January, 1800.

The Secretary says:

"Agreeably to the plan of the Military Academy, the directors thereof are to be officers taken from the army; consequently, no expense will be incurred by such appointments. The plan also contemplates that officers of the army, cadets, and non-commissioned officers, shall receive instruction in the Academy. As the rations and fuel which they are entitled to in the army will suffice for them in the Academy, no additional expense will be required for objects of maintenance while there.

"The expenses of servants and certain incidental expenses relative to the police and administration, may be defrayed by those who shall be admitted, out of their pay and emoluments."

You will observe, Mr. Chairman, from the phraseology of the report, that all were to constitute a part of your actual military force; and that whatever additional charges should be incurred, were to be defrayed by those who might receive the advantages of instruction. These were provisions, just as they are important. Let me call your attention for a moment to a report of Colonel Williams, which was made the subject of a special message, communicated to Congress by Mr. Jefferson, on the 18th of March, 1808.

The extract I propose to read, as sustaining fully the views of Mr. McHenry upon this point, is in the following words:

"It might be well to make the plan upon such a scale as not only to take in the minor officers of the navy, but also any youths from any of the States who might wish for such an education, whether designed for the army or navy, or neither, and let them be assessed to the value of their education, which might form a fund for extra or contingent expenses."

Sir, these are the true doctrines upon this subject: doctrines worthy of the administration under which they were promulgated, and in accordance with the views of statesmen in the earlier and purer days of the republic.

Give to the officers of your army the highest advantages for perfection in all the branches of military science, and let those advantages be open to all, in rotation, and under such terms and regulations as shall be at once impartial toward the officers, and advantageous to the service; but let all young gentlemen who have a taste for military life, and desire to adopt arms as a profession, prepare themselves for subordinate situations at their own expense, or at the expense of their parents or guardians, in the same manner that the youth of the country are qualified for the professions of civil life. Sir, while upon this subject of gratuitous education, I will read an extract from "Dupin's Military Force of Great Britain," to show what favor it finds in another country, from the practice and experience of which we may derive some advantages, however far from approving of its institutions generally. The extract is from the 2d vol., 71st page, and relates to the terms on which young gentlemen are admitted to the junior departments of the Royal Military College at Sandhurst.

"First. The sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their families in pecuniary distress; this class are instructed, boarded, and habited, gratuitously by the State; being required only to provide their equipments on admission, and to maintain themselves in linen.

"Secondly. The sons of all officers of the army above the rank of subalterns actually in the service, and who pay a sum proportioned to their ranks, according to a scale per annum regulated by the supreme board. The sons of living naval officers of rank not below that of master and commander, are also admitted on payment of annual stipends, similar to those of corresponding ranks in the army. The orphan sons of officers, who have not left their families in pecuniary difficulties, are admitted into this class on paying the stipends required of officers of the rank held by their parents at the time of their decease.

"Thirdly. The sons of noblemen and private gentlemen who pay a yearly sum equivalent to the expenses of their education, board, and clothing, according to a rate regulated from time to time by the commissioners."

Sir, let it be remembered that these are the regulations of a Government which, with all its wealth and power, is, from its structure and practice, groaning under the accumulated weight of pensions, sinecures, and gratuities, and yet you observe that only one class, "the sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their families in pecuniary distress," are educated gratuitously.

I do not approve even of this, but I hold it up in contrast with your own principles and practice.

If the patience of the committee would warrant me, Mr. Chairman, I could show, by reference to executive communications, and the concurrent legislation of Congress in 1794, 1796, 1802, and 1808, that, prior to the last-mentioned date, such an institution as we now have was neither recommended nor contemplated. Upon this point I will not detain you longer; but when hereafter confronted by the authority of great names, I trust we shall be told where the expressions of approbation are to be found. We may then judge of their applicability to the Military Academy as at present organized.

I am far from desiring to see this country destitute of a Military Academy; but I would have it a school of practice, and instruction, for officers actually in the service of the United States: not an institution for educating, gratuitously, young gentlemen, who, on the completion of their term, or after a few months' leave of absence, resign their commissions and return to the pursuits of civil life.

If any one doubts that this is the practical operation of your present system, I refer him to the annual list of resignations, to be found in the adjutant general's office.

Firmly as I am convinced of the necessity of a reorganization, I would take no step to create an unjust prejudice against the institution. All that I ask, and, so far as I know, all that any of the opponents of the institution ask, is, that after a full and impartial investigation, it shall stand or fall upon its merits. I know there are graduates of the institution who are ornaments to the army, and an honor to their country; but they, and not the seminary, are entitled to the credit. Here I would remark, once for all, that I do not reflect upon the officers or pupils of the Academy; it is to the principles of the institution itself, as at present organized, that I object. It is often said that the graduates leave the institution with sentiments that but ill accord with the feelings and opinions of the great mass of the people of that Government from which they derive the means of education, and that many who take commissions possess few qualifications for the command of men, either in war or in peace. Most of the members of this House have had more or less intercourse with these young gentlemen, and I leave it for each individual to form his own opinion of the correctness of the charges. Thus much I will say for myself, that I believe that these, and greater evils, are the natural, if not inevitable, result of the principles in which this institution is founded; and any system of education, established upon similar principles, on Government patronage alone, will produce like results, now and forever. Sir, what are some of these results? By the report of the Secretary of War, dated January, 1831, we are informed that, "by an estimate of the last five years, (preceding that date,) it appears that the supply of the army from the corps of graduated cadets has averaged about twenty-two annually, while those who graduated are about forty, making in each year an excess of eighteen. The number received annually into the Academy averages one hundred, of which only the number stated, to wit: forty, pass through the prescribed course of education at schools, and become supernumerary lieutenants in the army." By the report of the Secretary of War, December, 1830, we are informed that "the number of promotions to the army from this corps, for the last five years, has averaged about twenty-two annually, while the number of graduates has been at an average of forty. This excess, which is annually increasing, has placed eighty-seven in waiting until vacancies shall take place; and show that, in the next year, probably, and in the succeeding one, certainly, there will be an excess beyond what the existing law authorizes to be commissioned. There will then be one hundred and six supernumerary brevet second lieutenants appurtenant to the army, at an average annual expense of $80,000."

Sir, that results here disclosed were not anticipated by Mr. Madison, is apparent from a recurrence to his messages of 1810 and 1811.

In passing the law of 1812, both Congress and the President acted for the occasion, and they expected those who should succeed them to act in a similar manner. Their feelings of patriotism and resentment were aroused, by beholding the privileges of freemen wantonly invaded, our glorious stars and stripes disregarded, and national and individual rights trampled in the dust. The war was pending. The necessity for increasing the military force of the country was obvious and pressing, and the urgent occasion for increased facilities for military instruction equally apparent.

Sir, it was under circumstances like these, when we had not only enemies abroad, but, I blush to say, enemies at home, that the institution, as at present organized, had its origin. It will hardly be pretended that it was the original design of the law to augment the number of persons instructed beyond the wants of the public service.

Well, the report of the Secretary shows that, for five years prior to 1831, the Academy had furnished eighteen supernumeraries annually. A practical operation of this character has no sanction in the recommendation of Mr. Madison. The report demonstrates, further, the fruitfulness and utility of this institution, by showing the fact, that but two fifths of those who enter the Academy graduate, and that but a fraction more than one fifth enter the public service.

This is not the fault of the administration of the Academy; it is not the fault of young gentlemen who are sent there; on your present peace establishment there can be but little to stimulate them, particularly in the acquisition of military science. There can hardly be but one object in the mind of the student, and that would be to obtain an education for the purposes of civil life. The difficulty is, that the institution has outlived both the occasion that called it into existence and its original design.

I have before remarked that the Academy was manifestly enlarged to correspond with the army and militia actually to be called into service. Look, then, for a moment, at facts, and observe with how much wisdom, justice, and sound policy, you retain the provisions of the law of 1812. The total authorized force of 1813, after the declaration of war, was 58,254; and in October, 1814, the military establishment amounted to 62,428. By the act of March, 1815, the peace establishment was limited to 10,000, and now hardly exceeds that number. Thus you make a reduction of more than 50,000 in your actual military force, to accommodate the expenses of the Government to its wants. And why do you refuse to do the same with your grand system of public education? Why does that remain unchanged? Why not reduce it at once, at least to the actual wants of the service, and dispense with your corps of supernumerary lieutenants? Sir, there is, there can be, but one answer to the question, and that may be found in the War report of 1819, to which I have before had occasion to allude. The Secretary says, "the cadets who cannot be provided for in the army will return to private life; but in the event of a war their knowledge will not be lost to the country."

Indeed, sir, these young gentlemen, if they could be induced to take the field, would, after a lapse of ten or fifteen years, come up from the bar, or it may be the pulpit, fresh in military science, and admirably qualified for command in the face of an enemy!

The magazine of facts, to prove at the same glance the extravagance and unfruitfulness of this institution, is not easily exhausted; but I am admonished by the lateness of the hour to omit many considerations which I regard as both interesting and important. I will only detain the committee to make a single statement, placing side by side some aggregate results. There has already been expended upon the institution more than three millions three hundred thousand dollars. Between 1815 and 1821, thirteen hundred and eighteen students were admitted into the Academy; and of all the cadets who were ever there, only two hundred and sixty-five remained in the service at the end of 1830. Here are the expenses you have incurred, and the products you have realized.

I leave them to be balanced by the people. But, for myself, believing as I do that the Academy stands forth as an anomaly among the institutions of this country; that it is at variance with the spirit, if not the letter, of the constitution under which we live; so long as this House shall deny investigation into its principles and practical operation, I, as an individual member, will refuse to appropriate the first dollar for its support.

Mr. CAMBRELENG moved that the committee rise, and report the "bill for the suppression of Indian hostilities," and lay the one under consideration aside.

Mr. BRIGGS objected to the motion.

Mr. BELL said gentlemen were mistaken in thinking that no bills could be sent to the Senate to-morrow. There was nothing in the rules to prevent it.

Mr. WARD suggested that the present bill be also reported to the House, and if there was any intention to oppose it, let that opposition be made in the House; and he pledged himself to exert whatever influence he might have, to prevent the application of the previous question. We have, said Mr. W., now been here upwards of six months, without any appropriation having been made for the Military Academy, and now we have not to exceed one hour left upon which a bill can be sent to the Senate for concurrence; and unless this bill is now disposed of favorably, it will be lost. There is no reason that can be urged against the appropriation, for the institution has not been abolished by law; and until that is done, which I trust will not happen soon, the appropriation must be made. He hoped gentlemen would not, at this period of the session, interpose any further objections against this bill. Such was the situation of the finances of this institution, that many of the young gentlemen had been obliged to call upon their friends for money to reach their homes, and the gentlemen who had been appointed visiters of the institution had not received the usual compensation for their services. Mr. W. said, in conclusion, that he would not consent that the committee should rise on the one bill without, at the same time, reporting the other. Moreover, there were several other bills that ought to be acted upon at the present time.

The motion was disagreed to without a division, and Mr. Pierce concluded his remarks.

Mr. CAMBRELENG again expressed a wish that the bill would be brought into the House at once. He stated that he had, in every instance, voted to take up the resolution of the gentleman from Kentucky [Mr. Hawes] to print the report of the select committee on this institution, and he was confident the friends of the institution had nothing to fear from investigation, or the publication of that report.

Mr. BRIGGS made some remarks in defence of the institution.

Mr. WHITE, of Florida, then renewed the motion that the committee rise.

Mr. VANDERPOEL moved a modification, that the two bills be reported to the House.

Mr. BOON then addressed the committee in opposition to the principles of the institution, which he described to be of an aristocratic and exclusive character.

Mr. HAWES then proceeded to address the committee, and, after proceeding for some time, gave way to

Mr. LEWIS, who moved that the committee rise.

Mr. VANDERPOEL moved to amend the motion by adding, "and report the bills to the House."

Mr. PINCKNEY called for a division of the question; and on taking it on the bill making appropriations for the West Point Academy, the tellers reporting ayes 74, noes 30, (not a quorum,) the committee rose and reported that fact to the House.

Mr. INGERSOLL moved a suspension of the rules for the purpose of offering the following resolution:

Resolved, That a select committee, consisting of nine, be appointed to inquire what, if any, alterations are expedient to be made in the constitution and government of the Military Academy at West Point; and what, if additional, legislation is expedient upon the subject of such Academy; with power to visit said Academy prior to the next session of the present Congress, to send for persons and papers, and to report their proceedings and views upon the whole matter thus submitted to them as early as may be done after the commencement of the next session of Congress.

The motion to suspend was lost without a division.

Mr. CAMBRELENG moved that 10,000 copies of the report of the select committee on the West Point Academy be printed, remarking that it ought to have been printed twelve months ago.

Mr. BRIGGS said it ought not to be printed at all.

Mr. EVANS contended that, as the committee had risen for want of a quorum, no business could be transacted until it was ascertained whether a quorum were present.

The SPEAKER caused the House to be counted, and a quorum being found present, the House again went into committee on the West Point Academy bill.

Mr. HAWES moved to strike out the enacting clause, and after speaking for some time, the question was taken, and the motion disagreed to.

The committee then rose and reported both the above bills to the House, when the amendments to both were severally concurred in, and they were ordered to a third reading, and read a third time and passed.

EX-PRESIDENT MADISON.

Mr. PATTON, from the select committee, made the following report:

"The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, JAMES MADISON, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the chairs of the President of the Senate, and of the Speaker of the House of Representatives, be shrouded in black during the present session; and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

"*Resolved,* That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

"*Resolved,* That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence."

The report and resolutions were concurred in unanimously.

On motion of Mr. BRIGGS,

The House then adjourned.

FRIDAY, JULY 1.

Mr. BELL, from the Committee on Indian Affairs, reported the following resolution:

Resolved, That the Committee on Indian Affairs have power to sit in the recess of Congress, for the purpose of completing the investigation directed by the resolution of this House of the 15th of January last; and that any two or more of them, under the direction of the committee, be authorized to take testimony in relation to the same.

Mr. B. said the resolution was the unanimous recommendation of the committee.

Mr. MANN, of New York, hoped the resolution would not be adopted. Experience had shown the inutility of these investigations by committees during the recess of Congress; besides, they subjected the country to considerable expense. He was utterly opposed to the adoption of the resolution, and therefore called for the yeas and nays on its adoption; which were ordered.

Mr. McCARTY said a few words in support of the resolution, and of the expediency and propriety of the proposed investigation.

Mr. HIESTER moved to lay the resolution on the table.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays; which were ordered, and the House refused to lay the resolution on the table: Yeas 69, nays 84.

Mr. BELL remarked that the object of the resolution was to authorize two or three members of the committee to take testimony during the recess, and not that the whole committee should regularly hold their sittings.

Mr. MANN, of New York, moved a modification to that effect.

Mr. EVERETT preferred the resolution as originally introduced.

Mr. HAWES demanded the previous question; which was seconded, 65 to 55; and the main question being ordered, was put, and the vote was: Yeas 87, nays 87.

The CHAIR voting in the negative, made 87 to 88; so the resolution was not agreed to.

INDIAN FRAUDS AND HOSTILITIES.

Mr. LEWIS rose and said he held in his hand a paper of a most extraordinary and important character, which he had just received from the theatre of the present Creek war. He considered its importance so great, that he should, even at this late period of the session, ask to lay it before the House.

Mr. L. then sent the petition to the Clerk, by whom it was read.

[The memorial which was read is from the citizens of Georgia and Eastern Alabama, and represents that the Indian hostilities in which the people of that country are involved were caused by individuals jointly associated under the name of land companies, whose proceedings and contracts were of the most nefarious character. The memorialists ask Congress to institute an investigation into the circumstances, which, as they represent, will not fail to exhibit a state of facts of the most revolting character. They intimate that the press of that country is entirely under the control of these heartless agitators, and that, through bribery and corruption, all channels of information to the public and to the Government on this subject are closed.]

Sir, said Mr. L., it is neither my intention nor my duty to prejudge the investigation which the petitioners ask of this Government, or to express any opinion whatever as to the guilt or innocence of the party implicated in this transaction. It is sufficient for me that, in my representative character, I have been charged, by a respectable portion not only of my constituents, but of the citizens of an adjoining State, with the presentation of a petition containing the grave charges above alluded to, and praying a most thorough and satisfactory investigation into the truth of them. I have bestowed on this subject all the reflection which the late period at which the petition was received has allowed me, and with a decided conviction that the investigation is alike due to the public sentiment of the country from which this proceeding has emanated, and to the calamities which have grown out of the wide-spread scene of Indian rapine and massacre, which this war has brought on a portion of my constituents. I have been careful to give this investigation that course which I believed would best subserve the purposes of public justice. If individuals have been so lost to all the sentiments of humanity, and the aspirations of patriotism, as to have wilfully excited this war, they have incurred the crime of "treason," and should be made to answer that offence by a trial of life and death, before the judicial tribunals of their country. With this view, I have proposed that the investigation should be instituted by the President, in order that he might call to his aid the district attorney, and other judicial officers; and that, if the fact should justify it, that prosecution might be promptly instituted. Whatever other investigation might be thought necessary, all will admit that one of this character, at least, is required.

Sir, I have not proposed an investigation by a committee of this House, for the reason that, by a vote just given, the House have refused to authorize a similar committtee to investigate the frauds in the purchase of Indian reservations under the Choctaw treaty. There is evidently an indisposition, from some cause, to institute committees of inquiry during the recess of Congress; and as any resolution I may offer will require a suspension of the rules of the House, by a vote of two thirds of the members present, before it can be received, I am admonished, at this late period of the session, if I wish to effect any thing towards an investigation, that it must be presented in the least objectionable form. Besides, sir, I know of no act of prospective legislation, growing out of the action of a committee of this House, which could repair the injuries already done, punish the offenders, or provide more efficiently than by existing laws, for the punishment of future offences of a similar character.

If, however, a majority of the House be of a different opinion; if it is thought that an investigation by a select committee of this body will be either more accurate, or more satisfactory, or that any legislative action will grow out of such inquiry, I will give it my warmest support. On one thing, however, I must insist, that an investigation of some sort be had, and I will sustain that which is broadest and fullest in its scope.

With these views, Mr. L. moved that the rule be suspended, to allow him to introduce the resolution he held in his hand. He hoped the House would not refuse him this indulgence. He trusted that after the most thorough investigation, to the honor of those he represented, and to the citizens of an adjoining State, the public mind would be relieved from the suspicion that any individual white citizen, or citizens, of either of the States, had been base enough in design, or sufficiently fiend-like in action, to have excited this war. The charge has been before made in the public prints, not only against different individuals, but different classes of individuals, whose interests were supposed to have been promoted by this cruel scourge of the rest of the community.

Coming in the responsible form in which this subject is now, for the first time, presented to the country, Mr. L. said he considered it as a source of congratulation that the whole transaction would be thoroughly sifted, with a view of acquitting the innocent and punishing the guilty. He believed that the honest men of all classes and of every party desired the most rigid investigation, and he trusted if there were any who were justly obnoxious to the charge of connivance with the late Indian hostilities, be they who they may, whether high or low in public estimation, that the bolt of popular indignation and of legal justice would fall heavily upon them.

Mr. L. then introduced the following resolution, expressing the belief that it would not occupy the attention of the House over five minutes:

Resolved, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the President of the United States, and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them, who may have been guilty of any breaches of the laws, as may appear to be proper and within the power of the Executive.

Mr. GRANTLAND was of opinion that there ought to be a most thorough and efficient investigation into this subject. He believed there had been frauds, and that those frauds had been the cause of the Creek war.

Mr. WISE said he had been endeavoring all the session to elicit the facts in regard to the causes of the Indian hostilities. He had information enough on the subject to lead him to the conclusion that the allegations of the memorial were true. We had documentary evidence on our files that the Seminole war originated in the manner indicated in the memorial; and he believed that some of the executive officers of the Government were concerned in the transactions. It had been very difficult to obtain any information on the subject. The little that was obtained from the Departments was like drawing their eye-teeth out of them. He greatly preferred that the investigation should be intrusted to a select committee of this House.

Mr. BELL said it was the duty of the House to investigate the transactions. The Committee on Indian Affairs had had the subject under examination, and had asked leave to continue it during the recess, which had this morning been refused by the House. This was the proper constitutional body to conduct the investigation, and the House was bound to do it in behalf of their own character and the honor of this Government.

Mr. LEWIS said, that if it was the pleasure of the House to institute an investigation through one of its committees, he certainly would not oppose it. On the contrary, he was in favor of an investigation, in any and every shape it might be proposed. He (Mr. L.) had asked for an inquiry by the President in one form, in order that it might lead to a judicial investigation. He presumed that, under the resolution submitted, the President would feel it his duty to require of the district attorneys of Alabama and Georgia, a critical, and, if necessary, a personal examination into the causes of the Creek war; and, if the facts warranted it, that they would be required to institute the necessary prosecutions. If other gentlemen proposed a legislative inquiry, with a view to legislative action, he saw no reason why the proposition should be opposed.

Mr. L. said he had consulted his colleagues, and he spoke the unanimous opinion of the delegation of Alabama in saying that no member from that State would vote against any form of inquiry that the House might be willing to adopt.

Sir, one of my colleagues [Mr. Lyon] is of the Committee on Indian Affairs, who, from his practical knowledge and business habits, is, in my estimation, peculiarly fitted to undertake this investigation; yet, from a sense of propriety, which I highly appreciate, he wishes it distinctly known to the House that he is unwilling to serve as one of the committee of inquiry. Such, sir, are my own feelings. I believe that no member from Alabama or Georgia, nor any other person either directly or remotely connected with the party politics of that section of country, ought to be on that committee. If a committee be instituted, it ought to be entirely free from personal, sectional, or local political bias. I have no doubt a sub-committee of such a character could be formed out of the Committee on Indian Affairs; and of all other committees, that one, from its nature, and its recent investigations into our Indian relations, is best able to undertake the inquiry.

Mr. JARVIS moved to postpone the subject till to-morrow.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on this motion; which were ordered, and

Mr. JARVIS withdrew his motion.

Mr. HAWES said there were frauds enough in relation to the Indians and the public lands to sink any Government on the face of the earth; and he wished to see who it was that committed them, and who were engaged in covering them up. If the House would permit the investigation to proceed, it would save millions of dollars to the Government. Even the Indians would discontinue their hostilities when they found Congress disposed to look into the state of their affairs, and the frauds committed upon them.

Mr. CUSHMAN moved the previous question. Lost-73 to 88.

Mr. WISE urged an investigation by a select committee.

Mr. LEWIS said that the objection which had been urged to the resolution which he had the honor to present to the House was as to the character of the agents which the President would appoint to undertake the proposed investigation. The gentleman from Virginia [Mr. WISE] has said that the agents of the Government who have heretofore been employed in the Creek country may have participated in these alleged frauds; and to send them out again, to investigate their own frauds, would be the highest absurdity. Sir, the gentleman appears to misapprehend the purport both of the petition and resolution. Neither the petition nor the resolution asks that the frauds which have been committed upon the Indians be again investigated, with a view to set them aside. That investigation has already been ordered by the President, and is now going on. The investigation proposed goes a step farther, and asks that an inquiry be instituted into the fact, whether those who have committed frauds upon the Indians have not also excited the Indians to their present state of hostility, with a view to smother and prevent the investigation of such frauds. It is a more grave inquiry than one of mere frauds, and involves an offence of the most criminal character, which can only be punished by a court of justice. If agents of the Government have been engaged, from any cause or motive, in exciting this war, the investigation would reach them as well as others.

The gentleman from Virginia [Mr. WISE] knows me too well to think that I am disposed to screen Government agents, or any other class of men, from the strictest scrutiny. On the contrary, I have uniformly avowed my desire to give the broadest range to the inquiry. I have not often been suspected of yielding too implicit confidence in executive discretion; but I can hardly believe that the President would appoint agents to investigate this matter, who have been in any manner connected with certifying Indian contracts, or setting aside those contracts. On the contrary, I should suppose that he would feel it his duty to appoint persons totally unconnected in feeling or interest with these transactions; individuals who have in no manner been connected with the criminations and recriminations which have been dealt out between the Government agents and the land purchasers. To insure the appointment of the most disinterested and competent agents, and to meet the views of gentlemen, I am willing to modify my resolution so as to authorize the President to institute a commission of three persons, to be appointed by and with the advice and consent of the Senate, to investigate thoroughly the whole matter.

After having said thus much in favor of his resolution, Mr. L. said he was willing to vote for the proposition of the gentleman from Virginia [Mr. WISE] to establish a legislative inquiry. The two inquiries can go on together, as they are not in their nature incompatible.

Mr. McKAY said the gentleman's modification would render it necessary to send the resolution to the Senate.

Mr. LEWIS withdrew it for that reason, as he feared, at this late period of the session, the proposition might be lost by sending it to the Senate.

Mr. PEYTON contended that a double investigation going on at the same time would be entirely incompatible, and would embarrass the question at every step of the investigation. He was in favor of the appointment of a committee, and not leave it to the uncertain mode of executive inquiry. If left to the President, he would leave the selection to his friends, and some of the very individuals implicated might be selected for the purpose.

Mr. HOAR contended that the proposed resolution gave no power to the President; for he could now direct precisely the same investigation without it. The resolution was nothing more than a request to the President to do his duty, but conferred upon him no additional power, nor imposed any additional duty, more than he was now in possession of. To Mr. H., therefore, it appeared that the resolution was nugatory and improper.

Mr. ROBERTSON added his request that the gentleman from Alabama would modify his resolution so as to direct an inquiry by a committee of the House. This House was the grand inquest of the nation, and by it the inquiry ought to be made. It was a matter of astonishment to the nation, that every attempt on this floor to investigate public abuses was resisted and defeated. The information could not be obtained from the Executive, however well disposed he might be to afford it. The abuses had long been going on under his eyes, but they would be concealed, as they had heretofore been concealed, from his view. Moreover, this House was clothed with judicial power, and could command the attendance of witnesses, &c., which the President could not.

Mr. LEWIS modified his resolution so as to add a number of the members of the Committee on Indian Affairs to the commission proposed.

Mr. VANDERPOEL called for the orders of the day.

Mr. WILLIAMS, of North Carolina, said that this was as important a matter as any of the orders of the day, and he therefore asked for the yeas and nays on the motion.

Mr. LYON said this subject was of great importance to the people in his part of the country, if it was not to New York.

Mr. VANDERPOEL remarked that the discussion would occupy the whole day. Gentlemen had better take an opportunity to consult and agree among themselves as to the proper mode of proceeding in the matter.

The yeas and nays were ordered, and were: Yeas 71, nays 109.

So the House refused to proceed to the orders of the day.

Mr. WISE then moved to strike out the reference to the President, and to refer the subject to a committee of the House, with power to send for persons and papers, to sit during the recess, to proceed to the scene of the alleged frauds, and, generally, to carry on the investigation to the fullest extent.

Mr. W. said those who had been engaged in the investigation knew best where to look for information; and he therefore proposed to include some of the members of he Committee on Indian Affairs on the committee. The course proposed by the gentleman from Alabama would, he believed, be worse than useless. It would have the effect to cover up these frauds, instead of exposing them.

Mr. LEWIS said he had consulted his colleagues, and would state they were all in favor of the widest possible investigation. He accepted the amendment of the gentleman from Virginia as a modification of his resolution.

Mr. BOULDIN wished to address a question to the mover of the resolution. Was there a war going on with the Creeks at this time?

Mr. LEWIS replied in the affirmative.

Mr. BOULDIN said in that case he should not vote for the resolution.

Mr. BELL stated the fact that agents had been appointed by the Government, and paid for the investigation of these very frauds. The adoption of the resolution, as first proposed, would, therefore, add nothing to the extent of the inquiry already in progress. It was a part of the business of the Government to investigate these frauds, and appropriations were regularly asked and made for the purpose.

Mr. RPILEY stated that frauds did exist, to a great extent, as he had before had occasion to state on this floor. But agents had been appointed to investigate them and hunt them down; for this reason he thought a select committee unnecessary. He would authorize the President to send agents to the spot to investigate the acts, and then to institute a suit against those found to be guilty, in order to bring them to condign punishment. *Ex parte* examinations by committees were not worth a straw. They would lead to no results. The system of fraud was more extensive than any one here imagined, and it was to be ferreted out and stopped in no other way than by examinations on the spot, and the immediate prosecution of the individuals implicated.

Mr. R. moved a substitute for the resolution.

Mr. LYON was of the opinion that there ought to be an investigation both by the President and by a select committee of this House. A committee would not have the power to arrest and punish persons found guilty of participation in the frauds.

Mr. GARLAND, of Louisiana, was satisfied, (he said,) by the remarks which had been made, that it was improper to commit this investigation to the Executive. It was said that the Executive had long been engaged in these inquiries, but as they had not succeeded in arresting these frauds, he wished to try some other course. He therefore proposed, as a substitute, a resolution for the appointment of a select committee, with instructions to inquire into the causes of the war now going on with the Seminole and Creek Indians, the frauds that have been practised on any of said Indians, or those of any other tribe, by any person or persons whatever, and into the management of our Indian affairs generally, with the powers contained in the resolution of Mr. Wise.

Mr. E. WHITTLESEY admitted (he said) that this was an important question; but he implored gentlemen, in consideration of the number of bills, public and private, demanding the attention of the House, to desist from further discussion, and take the question.

Mr. LYON moved the previous question; but it was not seconded.

After some remarks from **Mr. GRANTLAND,**

Mr. MANN, of New York, said he should vote against the resolution, because he was convinced, from former experience and observation, that investigations by committees of this House were utterly impotent. They were among the humbugs of the day. It was said that we could confer no new power upon the President by a resolution charging him with the investigation. This was true; but it would have the effect to direct his attention specially to the subject.

Mr. PEYTON replied to the remarks of the gentleman from New York. It was a new doctrine that this House was powerless for the purpose of inquiring into public frauds and abuses. This was not the doctrine of the House when the United States Bank incurred the displeasure of the Executive. A reference of the memorial to the President was an evasion of the inquiry asked for; and it was a part of the system in pursuance of which this House had steadily refused, during the present session, to authorize any inquiry into public abuses.

Mr. BYNUM was opposed to the resolution, as reflecting upon the President and the party which supported him. It proceeded upon the supposition that the President would not discharge his duty in this matter. He thought it idle, also, in the heat of battle, to stop to inquire into the causes of the war; but he would prefer the course proposed by the gentleman from Louisiana, [Mr. Ripley,] to any other that had been suggested.

Mr. ADAMS made some remarks in support of the right of the House to make the inquiry solicited by the memorialists, and the expediency of the exercise of that right. To refer the memorial to the President would be no answer to the memorialists, and would be an abandonment of the constitutional power of this House. It was well known, too, that the President was in possession of all the power over this subject which this House could impart to him. He had the power to carry into execution the laws of the United States; and he was said to be now engaged in the investigation of the subject. We could give him no additional power. All we could do, by the course which some gentlemen advocated, was to lay the lives, the fortunes, and the feelings of our constituents, at his feet. He would consider such a course as a denial of the right of the memorialists to petition this House for the redress of the grievance of which they complained. Mr. A. said he felt it his duty, on this occasion, to make some remarks in reply to the extraordinary doctrine maintained by the gentleman from New York, [Mr. Mann.] He understood that gentleman to maintain that the exercise of any power by this House to investigate the circumstances attending public frauds, abuses, violence, or wars, was a mere humbug.

Mr. MANN, of New York, explained. In all cases, heretofore, investigations by the House and its committees had proved to be a humbug. That was what he said.

Mr. ADAMS said it was a sentiment impeaching the constitution of the United States. But he would take issue with the gentleman as to the fact. Was the investigation into the abuses of the Post Office a humbug? and was there ever an inquiry which was more steadily resisted, step by step, than that was? It was very far, however, from proving to be a humbug in the eyes of the majority of this House, or of this nation. Was it not then contended that, in the management of that Department, there was nothing that was corrupt, or irregular, or even improvident? The gentleman himself would hardly rise and maintain that position now, however much he might have been disposed to do it during the progress of that humbug.

Mr. MANN said that investigation was no exception to his remark. It resulted in two reports of contradictory character.

Mr. ADAMS pursued this topic at some length; and, when he concluded,

The House took a recess.

Evening Session.

FORTIFICATIONS.

The bill making appropriations for certain fortification, returned from the Senate with amendments, was taken up.

The amendments were to strike from the bill the clause authorizing the purchase of sites, the construction of arsenals and depots for arms, in Arkansas, Missouri, and Tennessee, provided the same should not cost over $14,000 each, and to add a section providing that the appropriations should be drawn from the Treasury only as they were wanted for actual disbursement.

Mr. CAMBRELENG said he hoped both amendments would be concurred in. The first was made in the Senate because the same items were embraced in another bill which had passed the Senate; and the second was one proposed in the House, but cut off by the previous question.

Mr. HALL, of Vermont, said he hoped the House would not concur in the first amendment, which proposed to strike out the appropriation of $42,000 for depots of arms in Arkansas, Missouri, and at Memphis, Tennessee. He wished that appropriation retained in this bill for the very reason which had been assigned by the chairman of the Committee of Ways and Means for striking it out, viz: that it was contained in another bill which had passed the Senate and been sent to this House. That other bill contained appropriations of between four and five hundred thousand dollars, and for objects which, when once begun, would require additional appropriations of a million or more to complete them. He believed all the appropriations contained in that bill were unnecessary and useless, except those for these depots of arms. He was for retaining the appropriation in the present bill, because he supposed it was one which ought to be made, and because he did not wish the other bill to have the benefit of the strength which this appropriation, if the amendment of the Senate was concurred in, might give it. He wished that bill to stand alone, unaided by this proper appropriation; and he hoped the House would non-concur in the amendment of the Senate, and reject the other bill whenever it came up for consideration.

After some remarks from Messrs. DUNLAP, ASHLEY, and R. M. JOHNSON, the question was taken upon concurring in the first amendment, and decided in the negative.

The second amendment was then concurred in.

CREEK INDIANS.

The House resumed the consideration of the resolution in relation to the frauds in Creek lands.

Mr. Ripley had moved to strike out the modification submitted by Mr. Wise, and accepted by the mover of the resolution, so as to leave the resolution as it was originally submitted.

Mr. R. Garland, of Louisiana, had moved a substitute, proposing to raise a select committee of ——— members, to have three members of the Committee on Military Affairs on said committee, subsequently modified by striking out the part relative to there being three members of the Military Committee.

Mr. MANN, of New York, briefly replied to the gentleman from Massachusetts, [Mr. Adams.]

Mr. BELL believed that millions had been expended by these abuses in relation to frauds, and he believed that the Creek war had grown out of these abuses. He did not impute any improper motives in officers of the Government, yet such was the fact. He believed the investigations heretofore instituted had proved abortive, although he doubted not they were instituted with the purest motives. He did not believe we should ever know the truth in relation to those frauds, until a committee was sent to investigate the matter, with more power than the agents had which had heretofore been sent there. He thought much might be done by instituting an inquiry, and he thought the country called for it. He was of opinion that the Committee on Indian Affairs was the most proper committee to refer this subject to, although he did not think that he himself would be able to attend to the duties which would be required of that committee.

Mr. VANDERPOEL said he would, with great pleasure, have voted for the resolution originally introduced by the honorable gentleman from Alabama, [Mr. Lewis,] but he could not, and would not, vote for it now, after the gentleman had accepted of the modification proposed by the honorable gentleman from Virginia, [Mr. Wise.] The gentleman from Alabama, who was most particularly interested in the subject-matter to which the resolution referred, in having the alleged frauds ferreted out, had, no doubt, introduced his resolution after most mature deliberation. He was not in the habit of taking any step here without looking well to its effects and its consequences, both immediate and ulterior; and it gave him great pleasure here to be able to add, in relation to that honorable gentleman, that the efficient, able, and, so far as regarded the administration, he might add, the candid manner in which he treated the interests of that portion of our Southern country which is threatened or scourged with an Indian war, constituted an ample guarantee that every thing that he proposed or moved in relation to that interesting subject was the result of all becoming care and reflection. Though an opposition member, he had proved himself above making the Indian wars that had so suddenly visited some of the fairest portions of the South, pretexts for attacking and imputing blame to the administration; on the contrary, he had evinced a disposition, which he (Mr. V.) could wish that many gentlemen would reciprocate and emulate, to do the administration full justice; and, after the candid and magnanimous course which the gentleman from Alabama had pursued, touching our Indian troubles, it was not surprising that there had been a strong predisposition here, with even the friends of the administration, to gratify that gentleman in relation to appropriations for the relief of those whose position exposed them to the losses and dangers of those desolating wars; and to think rather favorably of propositions that he might originate or offer in relation to that interesting subject. The gentleman's original proposition of this morning would most assuredly have commanded a most triumphant majority, if not an almost unanimous vote; and he (Mr. V.) very much regretted that he had yielded to the importunities of the honorable gentleman from Virginia, [Mr. Wise,] and had accepted of his resolution as a modification of his own. He now very much feared that he had, by this act of acceptance, jeoparded the success of the measure in any form; nay, that he had secured the entire frustration of the object he had in view when he offered the memorial and introduced his resolution this morning.

The gentleman from Tennessee [Mr. Peyton] was responsible for introducing "party" into the consideration of this subject. He had, as usual, treated us with the old hackneyed catchwords of "the party." Were there any of the friends of the administration here, any who could not be intimidated or driven from their principles by satirical sneers and sarcastic appellations? If there were any such, he would earnestly and respectfully beg them to look well to the import of the resolution of the gentleman from Alabama, as it now was, after the incorporation of the modification of the gentleman from Virginia, before they voted for it. He would ask the friends of the administration, he hoped he might still say he would ask a majority of this House, whether they could vote for the resolution in its present form, when it involved such a direct imputation of gross delinquency on the part of the executive branch of this Government? What did the resolution now propose? Why, it proposed to appoint a select committee, not only to inquire into the alleged frauds upon the Indians, but also to inquire into the causes of the Indian wars;

and this, too, after the repeated invectives of the gentleman from Virginia, [Mr. Wise,] against the executive branch of the Government, for not reporting or disclosing to us the true causes of the Seminole war. Have the friends of the administration lost their recollection? If not, will they not bear me witness that the gentleman from Virginia has again and again charged the Executive with a most culpable omission to communicate to us the true causes of the Seminole hostilities? has again and again denounced what he seemed to suppose was contumacy in the Executive, for not answering calls, and not favoring us with the necessary light on this subject? And are those who claim to belong, who are, like myself, proud to belong to "the party," are they ready to vote for a resolution which involves an admission that these oft-repeated complaints are well founded? which does even more than this: which involves an appeal from this alleged delinquency and contumacy of the Executive to an itinerant and most powerless committee of this House? Let gentlemen show, by their votes on this occasion, how credulous and confiding an ear they lend here to accusations against that good old man, who has given such noble, such repeated, such ample pledges of devotion to the best interests of his beloved country. Are they willing to say, by their votes, without evidence, that he has been grossly remiss, that he has been guilty of a sin of omission that should expose him to the severest reprehension of all honest men? Let them answer by their votes.

He (Mr. V.) could not but admire the tactics of the honorable gentleman from Virginia; and he hoped that upon this occasion he would not by success exemplify a remark which he made a few days ago in a speech on the deposite bill, after its passage. He then pronounced a high eulogium upon a distinguished member of the other branch of the Legislature, and told us that the skill and tact with which that gentleman had secured the success of his favorite measure were enough to gain him immortal fame; that he knew when and where to strike; that upon that occasion he had made a dash at the covey, and the birds had scattered and divided. It would seem that the honorable gentleman now means to imitate the example of that distinguished man. He has thrown in among the flock, and he hopes to scatter and divide them; but they have not yet mounted on the wing, and all time for reflection has not yet passed. The gentleman well knew that a bald and naked proposition of his own, to raise a committee to inquire into the causes of the Seminole war, on the alleged ground that the President had refused to communicate it, would not for a moment be sustained by this House.

The gentleman from Alabama introduces a resolution that the President cause inquiry to be made into frauds upon the Indians; and then the gentleman from Virginia very opportunely, as he no doubt supposed, offers his amendment, by which he not only proposes to transfer the subject of the resolution to one of the travelling committees of this House, but incorporates another matter which involves a direct imputation of delinquency upon the Executive; which proposes an inquiry into matters which the gentleman has so often told us that the Executive has so culpably neglected to disclose to us. He doubtless supposes that the overweening, the very laudable anxiety of the friends of the administration to eviscerate the numerous frauds upon the Indians, would tempt and control enough of them to secure success to his amendment--to swallow it, though it was made both bitter and acid by the implication of gross neglect on the part of their venerated President. It remains to be seen, sir, whether his tactics will frighten and scatter enough of our friends here to secure the triumph of the honorable gentleman's favorite measure. He (Mr. V.) trusted not, when they now saw what it was. The pill was not sufficiently gilded to deceive and delude enough for the purposes of success.

Mr. V. said he was far, very far, from being desirous that any of the frauds in question should be concealed; on the contrary, he was for adopting the most efficient measures to bring them to the light and to the execration of the world. He was in favor of instituting a commission by law to inquire into them. He was for three commissioners, nominated by the President, and concurred in by the Senate, who should be invested with the most plenary powers to ferret out the dark doings that we had heard so much talked about. How much more efficient would be such a commission, than a committee appointed by this House. The one would be the creature of the entire legislative power of this Government, with powers adequate to the full execution of its duties; the other would be the miserable, rickety, and impotent creature of one branch of the Legislature, with powers uncertain, undefined, and, for all efficient purposes, very doubtful. He of course meant nothing personally disrespectful to any of the committees of this House; he used this language only to express their impotency, and entire insufficiency for the occasion. He was astonished, very much astonished, now, to see these interregnum travelling committees such peculiar and strong favorites of the honorable gentleman from Massachusetts, [Mr. Adams.] He heard a very different language from that gentleman on a former occasion. Only two short years ago we appointed a select committee, with all the powers that it was competent for this House to confer, to inquire into the transactions of the Bank of the United States. It was an able committee, and one composed of as able men as graced this floor. Well, they repaired to Philadelphia, with their power of attorney to send for persons and papers; summoned Nicholas Biddle, Esq., to appear before them, to make certain discoveries which they sought. Mr. Biddle appeared, but very politely refused to gratify the curiosity of the gentlemen of the committee, and they returned to us, just as wise, in relation to the doings of Mr. Biddle and his bank, as when they left us. They reported to us the contumacy of Mr. Biddle, his virtual defiance of their powers and the powers of this House; and where was the member here, who, amid the doubt and uncertainty as to the powers of the committee, which all felt, deemed it prudent to propose or originate any order against the president or cashier of the bank? Who has forgotten a speech which the gentleman from Massachusetts [Mr. Adams] delivered on that occasion, to demonstrate the impotency of a committee of this House, and to give us an idea of the farce that would be played off here in any effort that might be made to enforce its imaginary powers. Never was any body more triumphantly satirized than was on that occasion one of these fishing "person and paper" committees of this House. The ridicule which he then lavished upon such a committee and its fancied powers was indeed overwhelming. He gave us, as many gentlemen here will recollect, a most graphic fancy sketch of the forms through which we would go to vindicate our own dignity and the powers of this House. He imagined that we would send our Sergeant-at-arms to take Mr. Biddle and all his directors, and the valiant and puissant Sergeant returning with his troop of prisoners, and being asked how he took and secured them all, (answering in the triumphant tone and language of a certain other single valiant sergeant,) would respond, "why, sir, I surrounded all of them!" This memorable and able speech many here would recollect, for it had made an indelible impression upon his (Mr. V's) mind; and now we had just heard the same gentleman make just as able a speech on the other side of the question! The opinions of men, Mr. Speaker! what sudden, what miraculous changes they ofttimes undergo!

The argument of the gentleman from Massachusetts struck him in many respects as a very strange one. He had told us that his (Mr. V's) colleague, in opposing the appointment of such a committee in cases of this kind, had surrendered nearly the whole of the impeaching power of this House. If he had not the utmost respect for the character and the opinions of the venerable and distinguished gentleman from Massachusetts, he would say, that to talk of such a committee as auxiliary to the impeaching power, was absurd in the extreme. Was there a proposition here to impeach any officer of this Government for official mal-conduct; and were the powers of such a committee invoked to inquire preliminarily into facts, in order to ascertain whether there was sufficient ground for impeachment? He had heard nothing of the kind. How, then, could the gentleman tell us that this committee was required as auxiliary to the impeaching power, when no officer was charged with any offence requiring or justifying impeachment, and when all that was proposed to be done by the committee was to go on an inquisitorial expedition against a horde of speculators upon the rights and property of the Indians? If any gentleman would rise here in his place and tell us, on the responsibility of his high station, that he had reason to believe that a public officer had committed an impeachable offence, he could well, in that event, imagine the propriety of appointing a committee to inquire into the grounds of accusation. This would be a committee auxiliary to the impeaching power; but the one which you now proposed to create had none of the characteristics, and would go in pursuit of none of the objects, of such a committee.

There was another reason why he would vote against the appointment of the committee contemplated by the amendment of the gentleman from Virginia. The President had already appointed competent agents to inquire into these frauds, and he was credibly informed that those agents had executed their duties most vigorously and efficiently. The President could clothe them with all the powers with which we could invest a committee of this House. Why, while one tribunal was investigating these matters, should we supersede its authority by appointing another vastly more expensive, and not one particle more efficient? Why adopt a proceeding that was based upon a distrust of the Executive, since every one who knows the President, knows full well that if fraud has an implacable and uncompromising enemy on earth, it is Andrew Jackson; and more especially since he has so promptly caused inquiry to be made into these frauds? Let the friends of the President answer by their votes.

Mr. BOON called the attention of the House, and of the people of the whole country, to the many important subjects yet unacted on, in consequence of this untimely proposition and the discussion thereon. The bill to reorganize the General Land Office was one of the most abiding and deepest interest to the whole people of the West; and if a discussion of this kind was to go on, that bill would remain unacted on. He therefore moved to lay the whole subject on the table.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were ordered, and were: Yeas 80, nays 99.

So the House refused to lay the resolution on the table.

Mr. LEWIS said, after the repeated attempts which have been made to strangle the investigation which he proposed, by motions to lay it on the table, and motions to proceed to the orders of the day, and after the signal failure which had just attended the last attempt of that kind, he trusted that the House would, in that form which it thought best, pass the resolution of inquiry. He (Mr. L.) had introduced his resolution in the early part of the day, through the special indulgence of the House, and he believed then it would not occupy more than five minutes of the precious time of the session. In the course of his whole legislative experience, which had not been inconsiderable, he was never more disappointed.

While all, with a single exception, were in favor of the investigation, no two gentlemen seemed to be of the same opinion as to the authority under which, and the agents by whom, it ought to be conducted. No sooner was his resolution offered, than it was objected that it required the President to do no more than it was his duty to do without the resolution; and that, if the investigation was to be conducted under the auspices of the agents which had already been engaged in the Creek country, it would in fact amount to stifling the inquiry. Now, after a discussion of more than seven hours, the gentleman from New York [Mr. Vanderpoel] informs us that the resolution in its original form would have commanded an almost unanimous vote, and that in its present form it would not receive the sanction of a majority of the House.

Sir, I introduced the resolution in that shape in which I thought, at this late period of the session, it was most likely to meet the assent of this House. I proposed such an inquiry as all must admit, whatever other form they may desire this investigation to assume, to be necessary to bring legal punishment upon the offences charged in the petition. Having opened the door of inquiry, was I to shut it in the faces of those who desired it to be more thorough? Was it my duty to limit an investigation which I myself had proposed? Could gentlemen have expected me to say that I was willing to yield an inquiry to the Executive, and not to the legislative department of this Government? When charges are brought against a portion of my constituents, would I not, as their Representative, dishonor them, by evading or skulking from any inquiry, however rigid?

No, sir, I repeat what I have before more than once had occasion to say, that I go for the fullest, broadest, deepest, and most thorough investigation which may be proposed. Every principle of self-respect, every feeling of sensibility to the honor of those I represent, requires me to pursue this line of conduct, and those who expect me to depart from it have mistaken my character.

The gentleman from New York [Mr. Vanderpoel] has been pleased to allude, in a most complimentary manner, to the course which I have heretofore taken in relation to questions growing out of the Creek war; while at the same time he alleges that, by yielding to the importunities of the gentleman from Virginia, [Mr. Wise,] I have given to this question a party aspect, and endangered the passage of my resolution in any form. While the gentleman has done me more than justice in relation to my past course, he has done me much injustice on the present occasion.

Sir, I have pursued on this subject the same course which I have pursued on all subjects connected with our relations with the Creek Indians. Although, in general, I prosecute my party purposes with as much zeal and steadiness as any gentleman on this floor, I have looked upon the calamities of the Indian war with which my constituents have been scourged as too serious in its consequences, too disastrous in its results, to be made a topic of party discussion. When it was charged upon this floor that the administration had been indifferent to the rights of the Indians, and, by not taking the necessary measures to set aside the frauds in the sales of their reservations, had brought on the war, I stated what I now take pleasure in repeating, that the Secretary of War had, to my own knowledge, used every possible exertion to investigate and annul such fraudulent contracts; that three agents were appointed, and were in fact investigating these alleged frauds up to the very moment when hostilities commenced; and that, in the opinion of many respectable citizens in that section of the country, the course of the administration, so far from being harsh and cruel to the Indians, was more mild and liberal than treaty stipulations required. That instead of continuing the investigations of frauds, measures of a more decisive character towards their removal should have been earlier used, and that in fact the safety of the white settler had been too much sacrificed in the attempt to do the most ample justice to the rights of the Indian. And yet, in the face of these declarations, I am charged with pursuing a course which, by subserving the purposes of party, would do injustice to the administration.

Sir, if other considerations did not restrain me, I owe too much to the repeated kindness of this House, to the indulgent liberality with which even my political opponents have sustained every legislative effort I have made for the defence of my constituents against a savage enemy, to allow me to mingle one sentiment of party with the consideration of this question.

The gentleman from New York [Mr. Vanderpoel] has told us that an investigation of the frauds in the sale of Indian reservations has been and is now going on, under the authority and by the agents of the President; and that the object of the resolution in its amended form is to withdraw the subject out of the hands of the President, and to place it before a committee of this House. I must tell the gentleman from New York, as I have before had to tell my friend from Virginia, [Mr. Wise,] that he mistakes the object of the proposed inquiry. It is not proposed, I must again repeat, to investigate or to set aside the frauds in the purchase of Indian reservations, but to inquire whether those who have committed these frauds, or any others, have been guilty of exciting the Indians to hostilities, and, by such means, of producing the present war. The President has the investigation of the frauds in his own hands under the treaty, and it is not proposed to interfere with that subject. The present question is, whether an inquiry into the causes and authors of the Creek war shall be instituted by agents appointed by the President, or by a committee of this House. Sir, I have not charged, or intended to charge, either by word or by implication, that the President would not prosecute this inquiry with the utmost vigor. On the contrary, I have no doubt that the charges contained in the petition having been brought to his notice, he will feel it his duty, whether this resolution passes or not, to proceed forthwith to a full, fair, and satisfactory examination of the whole subject. Should the House refuse to order an investigation, it is the intention of the delegation from Alabama to submit the matter to his consideration, that he may order such inquiry as he may think the occasion requires.

Mr. Speaker, it has been to me a matter of surprise, to witness with what zeal an investigation by a committee of this House has been opposed, and with what pertinacity it has been insisted that the appointment of such a committee would imply mistrust and disrespect towards the President. Sir, I have not viewed the subject in that light, nor have I advocated it from such feelings. What, has it come to this, that this House cannot, for legislative purposes, procure information by a legislative committee? Are we to be dependent on executive agents, and executive inquiries, for that information which is to guide us in the discharge of our legislative duties?

For the first time in the history of our Government has it been argued that a committee of this House have not the power to procure any information which the House may want; and that the Executive, through his agents, alone possesses such power. What prerogatives appertain to executive agents, that do not belong to a committee of this House? Cannot our committee be intrusted with the authority to send for persons and papers, and can such authority emanate from the President? Sir, as much as gentlemen may deprecate the powers of a committee, they can be, and often are, clothed with all the powers that belong to this House; and to abandon the use of committees in procuring compulsory information, for legislative purposes, is to yield up one of the most important powers which belong to the legislative department of this Government. Sir, a word to the gentleman from New York, and I have done. That gentleman, while he has so highly commended my course in avoiding all appeals to party feelings, in discussing questions of this character, will pardon me when I tell him he has not followed the example he so much approves. Sir, a more decided party rally I have not heard during this session than that which the gentleman has thought proper to make in opposition to an inquiry by a committee of this House. He charges that proposition with being an attack on the Executive, as evincing a want of confidence in the President, and calls on the friends of the President to "answer by their votes." I must say to the gentleman that, in my opinion, this appeal is not only ill-timed, but unjust, so far as it was intended to be made applicable to me, or the course I have thought proper to pursue. I say again to the friends of the President, that, in supporting the proposition for an additional inquiry by a committee of this House, it is the farthest from my intention to throw any imputation on the fairness or efficiency with which I believe he will prosecute his branch of the inquiry. My only object is to give the greatest possible latitude to the investigation, and to avoid the imputation of skulking from an inquiry into charges affecting the honor of a portion of my constituents.

Mr. GRANTLAND said that the Georgia delegation concurred fully in all that had been said by the gentleman from Alabama, as to the disposition evinced by the President and Secretary of War to have a strict investigation of the frauds alleged to have been committed in certifying contracts for Creek Indian lands. At the suggestion and on the recommendation of the Georgia delegation, two additional commissioners, gentlemen of high character, were appointed several months ago, to aid Colonel Hogan in bringing that investigation to a speedy close. While that investigation was in progress, it was arrested by the commencement of Indian hostility.

Mr. SUTHERLAND moved the previous question; but the House refused to second it: Yeas 70, nays 73.

After some remarks by Messrs. SUTHERLAND and LEWIS,

The amendment of Mr. Garland was disagreed to.

The question recurred on the motion of Mr. Ripley to strike out that part of the resolution which was moved as an amendment by Mr. Wise, and accepted by the mover as a modification, which left it as originally offered.

On this question Mr. GARLAND, of Louisiana, called for the yeas and nays; which were ordered, and were: Yeas 93, nays 89.

So the motion to strike out was decided in the affirmative.

The question recurring on the adoption of the resolution,

Mr. WISE addressed the House at some length on the subject, and renewed his amendment as an addition.

Mr. PEYTON addressed the House to the following effect:

Mr. Speaker, it is with equal mortification and astonishment that I have witnessed the introduction of party into this discussion. Sir, has it come to this in the American Congress, that, upon questions of fraud, the watchword of "party" is to be raised? Why, sir, is there a party here which avows itself the advocate of fraud, and another party which declares open, undisguised war against fraud? If so, then I am proud to proclaim myself as belonging to the anti-fraud party. Is there a party here willing to encourage and conceal the acts of men who have been guilty of perpetrating the most glaring outrages upon their own country, and who, to conceal their crimes, have, after oppressing and plundering the savage tribes, goaded, encouraged, and roused them to a cruel and sanguinary war? If there is such a party here, sir, I wish at once to say that I do not belong to it.

The gentleman from New York [Mr. VANDERPOEL] has chosen, on this occasion, as is usual with the party to which he belongs, to go into an elaborate defence of General Jackson, as if he had been assailed, when it is admitted by all that the President and Secretary of War have exhausted all the means in their power without being able to accomplish the very object of this resolution. Hence the necessity and propriety of this House taking the matter into its own hands. This is the reason why the memorialists—from the scene of action—the seat of fraud and war--have appealed to Congress for redress. But, sir, when the memorial is submitted, and a committee asked for, the gentlemen reply to us with psalm-singing eulogiums upon General Jackson.

Mr. Speaker, since the gentleman from New York [Mr. VANDERPOEL] has indulged so widely in allusions to "party," I hope I may be permitted, in my reply to him, to call his attention, and that of the House, to some other questions growing out of those allusions; questions, sir, which address themselves to patriots everywhere, coming from whatever quarter, or belonging to whatever political sect they may.

We have been told by the Globe, that the party in this House to which I am proud to belong has studiously labored to retard the public business, and to defeat the action of the House upon important measures, deeply and vitally interesting to the country. Sir, while this stale calumny was confined to its polluted source, it was unworthy of notice; but it is now endorsed by gentlemen on this floor. Sir, let me ask what party it was that defeated the "land bill" sent to this House from the Senate? What party laid that bill on the table? What party prevented the distribution under that bill of thirty millions of the people's money, to which every body admits they are entitled, when it is not needed for the wants of the Government? Not the party to which I belong, but that gentleman and his friends.

Let me ask, sir, who delayed and defeated the executive patronage bill—a measure which was the great lever that elevated General Jackson to power? The gentleman and his friends. Let me ask, also, who perpetrated the sin—yes, sir, the unpardonable sin, if we are to believe half we see and hear upon the subject—of defeating the action of the House upon the President's recommendation to amend the constitution so as to secure to the people the election of President and Vice President of the United States? It is the same democratic Van Buren party. Yes, sir, and this is the second offence of the same kind; they defeated that measure at the last Congress, when I and my friends were urgent to take it up. What party in this House is it that differs with the President on the propriety of members of Congress holding appointments under the President to whose elevation they have contributed? The same party. What party defeated every effort to regulate the public deposites by law? Let me ask, sir, what party it is that, on all occasions, as a settled rule of action here, goes for every device calculated to elude inquiry and suppress the truth? Not the party to which I belong. Let me call the attention of the gentleman (and I allude to the subject for his especial consideration) to the memorable resolution of my friend from Virginia, [Mr. WISE,] to investigate the conduct, the frauds, of your pet, Reuben M. Whitney—a dishonored, disgraced, perjured traitor as he is! Why, sir, is he shielded under the mantle of the same party? And now, when we propose to investigate other frauds, at the instance of a large portion of the people of two States of this confederacy, the same gentlemen rise up and cry out "party." The gentleman from New York tells me, if we want party, we shall have the benefit of it. What does this mean, sir? We say, examine, investigate the truth, and expose the conduct of men who have disgraced the nation, and caused the spilling of innocent blood; and the gentleman replies, it is a party question; go on, and we will give you the benefit of "party." Where is the man who would not consider himself dishonored, degraded below an American patriot, an American representative, to attach himself to such a question as this on party grounds?

[Mr. VANDERPOEL explained, and stated that what he said was, that the gentleman himself had first blown the horn of party, had first used the every-day catchword of party, and so treated it. If any one was responsible for dragging in party, he contended it was the honorable gentleman from Tennessee himself.]

Mr. PEYTON continued. What I said in allusion to party was by way of reply to the colleague of the honorable gentleman, [Mr. MANN, of New York,] who denounced the proposed investigation as a humbug; I then appealed to that honorable gentleman to know if I rightly understood him; if I was to understand that his party would shield those men whom neither honor, justice, humanity, nor the innocent blood which was shed upon the frontier before their eyes, could restrain. I wished to be informed by him whether the mantle of party was to be thrown around them. I understood him, sir, and have had the avowal more marked and emphatic in the declarations of the gentleman on my right, [Mr. VANDERPOEL.] We say, sir, that there are rogues in the woods. The gentleman replies, well, they are all friends, and it is a party question. Hands off; don't touch them.

Mr. Speaker, when this proposition was first presented this morning, it was scented in the breeze by the old, the experienced, and cunning, who shied off. It may be meal, but then, possibly, a cat might be concealed in it. My colleague [Mr. BELL] proposed this investigation, for enough had come to light, independently of these memorials, to justify it, though in that proposition he did not, to be sure, sound the alarm in such a manner as to arouse the fears of the party, but they rallied all the strength which could be collected in so short a time; it was a tie. The vote stood 88 and 88; the Speaker gave the casting vote in the negative, and so the investigation was strangled. Yes, sir, the presiding officer of this House [Mr. POLK] had it in his power to say whether this scene of iniquity should remain, unexamined, unpunished, a blot upon the honor of the nation: the casting vote of the Speaker was fatal to the inquiry.

Well, then, secrecy is still the order of the day, and the watchword of your party. Gentlemen, I detest your tactics, and have no confidence in your chief, (Mr. Van Buren,) for the reason that secrecy and concealment are your principles of action. You are endeavoring to make the Government itself a secret inquisition, the more odious and detestable because it is to be wielded as an instrument of torture and death to one man, and of rewards and honors to another; not as a reward to virtue and a punishment to vice, but the very reverse. Men are proscribed for obstinacy in virtue, patriotism, and love of liberty, and rewarded for their degrading servility and infamous truckling. Yes, sir, secrecy is the very existence, the soul of your party, if it has any soul. I have seen many exhibitions of its existence of late. The first time I saw it formally introduced into this House, it had the honor of being ushered in here by two gentlemen, then and now filling distinguished places amongst us—I mean the chairmen of the Committees of Ways and

Means and Foreign Affairs at the last session of Congress, [Messrs. Polk and Cambreleng.] Sir, it was about the expiration of the last session of Congress that these two leading and distinguished members of "the party"—(I say distinguished for their promptness and efficiency in great party emergencies, such as the present)—took their degree in their order. Then it was that this badge of secrecy regularly became ingrafted and legitimately installed as one of the main elements of power in "the party" who are now exercising it for the suppression of all inquiry.

Mr. Speaker, an examination into its origin, progress, and present condition, could not be otherwise than serviceable to the House, and more especially to the country. Then, sir, to the secret history, or the history of the secrecy of the party.

The first time that I have heard or known of such a thing as a secret correspondence between the heads of committees in this House and the heads of Departments, was commenced here by the heads of the Committees on Foreign Affairs and Ways and Means [Messrs. Polk and Cambreleng] with the Secretary of State, at the last session of Congress. Yes, sir, a secret correspondence which has never yet seen the light. Where is that correspondence with the Secretary of State? Why suppress it? The public have a right to it, as touching a most important question, deeply affecting, at that time, the honor and safety of the nation. These chairmen, sir, without the direction of the House, without the knowledge of their committees, sent a secret, yes, sir, a secret, written communication to the Secretary of State, calling upon him to be informed how much money was necessary to be appropriated for the defence of the country. To this communication the Secretary replied, in writing, recommending one million for fortifications, and two millions for the navy. Now, sir, I ask again, why has not this correspondence been suffered to see the light? Why never published? Why never laid before this House? Why, sir, it has never been spoken of by one of those gentlemen, [Mr. Polk,] even in "a whisper, under the injunction of secrecy," so far as we know. From the other [Mr. Cambreleng] it seemed to escape as if by chance, in the hurry and press of a heavy fire from my friend on my right, [Mr. Wise.] This was only the "premonitory symptom" of more important matters. The Secretary's recommendation was not only obtained, but the sanction and approbation of the President, also, were to be obtained; not in the usual form, by a message to the House, in an open, frank, undisguised, manly, and honest way; no, sir, his recommendation was sought, obtained, and concealed. Yes, sir, studiously, carefully, and fraudulently suppressed from the House—circulated only in cautious whispers, under the injunction of secrecy—and this on a question of national defence, national honor and safety. Yes, sir, and intended, at the time, to be made a party question by those who were engaged in the dark plot. We are told by the President, in his message sent to Congress nine months afterwards, that this was a great leading object with him at that time; that the safety and the honor of the country required it. Yes, sir, a correspondence is opened; the Secretary furnishes the estimates, and recommends the appropriation of three millions of dollars; the President sanctions it; and all, all is kept in the dark, suppressed, concealed by a few jugglers; and they then present their propositions, to be hurried through this House. I said, sir, that secrecy was the new order of things. Am I not right, sir? The President's wishes were ascertained upon a most important and exciting subject, before that subject was acted on in this House; and those wishes are held in the power of a few men, to be either disclosed afterwards, or concealed, at their pleasure, for party purposes.

Now, sir, it seems to me that party could never have chilled my soul and deadened all sense of justice so much as this. If I had seen a venerable, distinguished colleague of mine, whom I had always known to be frank, disinterested, bold, and fearless, in his support of the President; if I had heard him standing up and saying, "Where is my file leader? where is the President? he understands the condition of our foreign affairs; it is his constitutional duty to speak, and, if he advises me it is necessary, I will vote the money;" if I, sir, had known the President's views, and intentionally concealed them from that venerable Senator, when I saw the baits spread for his feet by an insidious enemy, I should have been ashamed to go back to my own country. I could never have held up my head amongst honest men anywhere. What an awful test; we are required to walk blindfolded amongst burning ploughshares. Yes, sir; we hear nothing of a quarter from which the measure comes, notwithstanding it originates in the cabinet, receives the executive sanction, and is then ushered silently in here; and we are told, after we go wrong, that it is one of General Jackson's choice leading measures, and you are dead against the administration. Now, sir, I put it to you whether this House was not entitled to that information. Was not the Senate entitled to it? Was not every American citizen entitled to it? Yet, sir, the President's views were cut off in *transitu* by these non-conductors of the truth. But, as soon as the vote was taken, why, then, we hear the hue and cry raised, wind and horn, in the mouth of every demagogue, and blazoned forth by all their presses, that the President required the appropriation to defend the country, and here is Judge White, from his own State, going against it. That, Mr. Speaker, was the first step towards the establishment of this secret inquisitorial power, more to be dreaded than any thing which has threatened the destinies of this country. Mr. Speaker, that correspondence was not suppressed by accident. No, sir; that is impossible; but what followed shows most clearly that it was done by design. After the committee of conference was appointed; after they had agreed upon a report, and directed a report to be made to the House; after the chairman [Mr. Cambreleng] had pledged himself in the committee to make the report, and when he renewed that pledge to gentlemen around him; after he took his seat on this floor—

[The Speaker here interrupted, and called the gentleman from Tennessee to order for irrelevancy.]

Mr. Speaker, (said Mr. Peyton,) I had hoped, sir, that it would be in order to speak the truth. The truth and facts of that night are not yet half told, and I had hoped to be permitted, in reply to those gentlemen who are so free to allude to party, and assail others for their course upon this floor, to state a few additional facts as going to establish my original proposition, that there is established, and now about to be fixed upon the country, a secret, dangerous, corrupt, arbitrary, tyrannical, and hitherto unknown power. This is my position. The facts to which I have alluded, and am about to allude, are important links in the chain of evidence, and, if not arrested in my argument, I will establish my position, and make you ashamed of your leader, who is most guilty of all.

Sir, it is extremely difficult to say what is relevant or what is irrelevant. The great Marshall, in any of his learned opinions, would lay his premises so far out of sight, sir, that you would call him to order for irrelevancy, and yet, sir, he would force you along, with the strength of a giant, to his conclusions. It is a most delicate as well as a most dangerous and arbitrary exercise of power by the Speaker of a deliberative body, to call a member to order, and silence him for irrelevancy, and should be resorted to with a sparing hand.

The Speaker. Order! The Chair is not aware that he has been tyrannical or arbitrary. He only reminded the gentleman from Tennessee of the irrelevancy of his remarks.

Mr. Peyton. The Chair did not understand me, I hope, as alluding to him personally. I was suggesting that it was a most delicate and arbitrary exercise of power, by any Speaker, to silence a member for what he conceived to be irrelevancy, and one seldom to be used.

The Speaker said he had called the gentleman from Tennessee to order because the subject of appropriations at the last session of Congress for fortifications was not before the House.

Mr. Peyton. Mr. Speaker, I am very unwilling to give the Chair any uneasiness, or be at all troublesome to the House; but, sir, I cannot think I have transcended the usual and legitimate latitude of parliamentary discussion. Sir, the power of the President, the influence of the President, the character of the President, the efficiency of the President, in such an inquiry as this, the honesty and fidelity of the party, their mode of transacting business now, heretofore, and hereafter, have all been, and must still be, alluded to in this discussion; and I appeal to the House if I shall not be permitted to submit what few remarks I have to offer. [Cries of "Go on! go on!" and a few "No! no!"]

The Chair said he was at all times unwilling to arrest any gentleman, nor would he have done so on the present occasion, if the gentleman's remarks had been pertinent to the subject before the House. With this admonition, the gentleman will proceed.

Mr. Peyton. Sir, it will be impossible for me to proceed, unless I can be permitted to take my own view of this subject.

Mr. Speaker, how can I tell but that some very busy and obliging gentleman has already run off to the President for his opinions, and that they may now be in the pocket of my nearest neighbor, ready to be turned loose against all who cannot find out and obey them by instinct. Sir, we have about this hall and in it, a great many of these tell-tale, penny-post carriers of news to the President. No, I will not say a great many, but we have seen, and do continue to see, some gentlemen going to him for his sanction of measures before they are presented or acted on in this House, and, after obtaining his opinions, they keep them in profound secrecy; and if any one should chance to tread a little out of the traces, why, then, sir, they halloo out, he is against General Jackson; all the time sitting by his side with the President's views in their pockets, and fraudulently suppressing them.

Mr. Speaker, you know, sir, that such things have been done; and how can I tell but it may be the case in this instance? I am arguing from what has been done, to show what may be expected; and, sir, I say, that a party which cannot, which dare not have investigated any fraud, any corruption, any public robber brought to the bar of justice, without raising the cry of "General Jackson! General Jackson!" are not fit to be trusted with the destinies of this nation. Here is one of the plainest and most audacious outrages which has ever been perpetrated in the annals of the world: your petty tyrants, the Indian agents referred to in these memorials, forming combinations to defraud the Government of its public domain, plundering, yes, sir, literally stripping the savages and then aiding and encouraging them to make war upon your helpless frontier, that they may escape the punishment due to their crimes. Why, sir, the oppressions and corruptions of Warren Hastings, in his government of Hindostan, would dwindle into nothing, and he would appear a saint in comparison with these peculators; and yet, sir, we are denied a committee—the people who have suffered, and are suffering, are denied a committee—of this House to investigate their frauds, and the part which they have acted in the Indian wars. Why? Because something has been said which is offensive to the sensitive nerves of gentlemen here, and it is forthwith made a party question. A party question! If so, sir, then let those Indian agents be at once made members of the cabinet, and Reuben M. Whitney be proclaimed President, and then the people will understand you, and know what to be at. You should no longer attempt to deceive them by the perpetration of such deeds in the name of a man whom they have so many reasons to love, and trust a man who has no secrets, but is open and frank as day in all he does, notwithstanding these petty spies obtain his opinions and wishes, and then come here, to this hall, and conceal them. Why, sir, if he knew of the petty tricks and low deceptions which they practise, he would spurn them from his presence, and blush to own them as his partisans.

Why, sir, I am informed that your candidate for the presidency himself took a direct, deep personal interest in one of these very transactions, under the dark cover of midnight, behind one of these pillars. Nay, sir, more, I can prove it upon him, with such circumstances as would be sufficient to send any common man, tried before a jury of honest men, to the penitentiary.

Now, Mr. Speaker, another instance, almost as flagrant as this. It is said we made it a party question by saying there are rogues in the woods, and the gentleman says they are our friends. Sir, a few days past we had another striking exhibition of this same power of secrecy. A great measure is pending. The same gentlemen are trembling in the wind, or do not know how to go—turn their eye upon the chief, and want to know his opinion. They obtain it, but keep it secret to themselves, though he never enjoined secrecy, and pass the bill; and then, what takes place? Why, we see the ambassador whom the party has employed, as the gentleman from Massachusetts [Mr. Adams] said, to lie for them by the job and by the year, (undoubtedly as to time and amount;) we see him coming out and saying—what? The President putting his name to the bill, to be sure; but we are told that he looks upon it as the worst of measures, calculated to destroy the State Governments, and subvert the true principles of our institutions; that there was not time for consultation, but that he would hereafter give his reasons against it. Sir, this is strange. Ascertain the President's views of a measure before it is passed; and then, after he sanctions it, to write speeches in his name to break down all those who supported it! And yet these gentlemen profess to have some regard to the President's fame, his character, and his principles. Why, sir, the President came into power upon the very idea that he was a bold, frank, fearless, honest, man; and the plain, bright, daylight honesty of his administration was the reason, the very ground, upon which the soldiers of the country rallied around him; and now in his name are perpetrated such deeds of shame as will make one almost weep to look upon, against every thing which the President has proposed, and which the President has done, so far as he could do any thing. But the great misfortune is, that the President is surrounded by an army—yes, sir, an army of mercenaries—who are hostile both to the principles of his administration and the welfare of the country; and though they flatter him, far and near, there is none that love him; no, not one. They are base flatterers and parasites.

Mr. Speaker, we are informed, officially informed, by the organ of the Vice President, (for a paper which could prostrate the fame of General Jackson as that print has done can no longer be considered as the friend of General Jackson,) we are informed by it that the President says:

"We are equally warranted in saying that the President has approved the amended bill, not because he thinks it judicious to make the States the depositories of the moneys of the United States, but because the plan is not obnoxious to constitutional objections; because it has been presented by a majority of the people's representatives, to whom the question of expediency on this subject peculiarly belongs, &c.

"He thinks it impolitic and unsafe to mix up the affairs of the United States with those of the several States, and that the chances of perpetuity for our admirable system of government are increased in proportion to the clearness with which the lines which separate their several powers, duties, and interests, are defined and maintained. It is probable he will take some fitting occasion to make known to his countrymen, in detail, the views he entertains on this vital subject. It is only necessary now that they should know that, in approving the deposite bill, he does not intend to countenance, in the least degree, the idea of raising money by the General Government for distribution among the States, thus lessening the responsibility of the State Governments in taxing the people, and at the same time encouraging extravagant expenditures, making the States, instead of independent sovereignties, the mere stipendiaries of the General Government, perverting the power of taxation given in the constitution to purposes never thought of by its framers; corrupting the sources of legislation; tending to consolidation; and ultimately destroying all that is pure and valuable in the structure and administration of our politcal system," &c.

* * * "Such, we are warranted in saying, are the views of the President in relation to this interesting subject."

Mr. **Peyton** was proceeding to contrast these views with the sentiments of the President himself, as contained in his message of 1830, when he was arrested by the Speaker.

In his message of December, 1830, to Congress, the President holds this language:

"Thus viewing the subject, I have heretofore [in his message of 1829] felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement."

"Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place. They rest, as far as they have come to my knowledge, on the following grounds: 1st. An objection to the ratio of distribution. 2d. An apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution. 3d. That the mode proposed would lead to the construction of works of a local nature to the exclusion of such as are general, and as would consequently be of a more useful character; and, lastly, that it would create a discreditable and injurious dependence on the part of the State Governments upon the federal power," &c. The President goes on at length, and with great ability, to answer the several objections to this plan of distribution. He insists upon the correctness of his first position, as to the ratio of distribution, (that is, according to the representation of each State in Congress,) and says, "the ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation." The vote in the Senate upon this proposition in the late bill, now a law, stood equal, and the Vice President could not be found, though called for, to give the casting vote in favor of this old favorite ratio of General Jackson, and it was lost.

The President proceeds to state:

"In my first message I stated it to be my opinion that it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service." "I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; [the plan of distribution for the purposes of internal improvement by the States.] I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people," &c.

"The strength as well as the true glory of the confederacy is mainly founded on the propriety and power of the several independent sovereignties of which it is composed, and the certainty with which they can be brought into successful, active, co-operation, through the agency of the Federal Government."

He does not seem to think it impolitic and unsafe to mix up the affairs of the United with those of the several States. The President proceeds:

"That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied, and economically expended under the direction of the State Legislatures, in which every part of each State is immediately represented, cannot, I think, be doubted," &c.

In respect to the last objection, its probable effect upon the dignity and independence of the State Governments, it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case the State would receive its quota of the national revenue for domestic use, upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. (What say you to that, gentlemen? Can you make, in the President's name, a better argument against this measure, which is emphatically his own, than he has made himself in favor of it?)

The President proceeds:

"As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the national Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Governments."

The **Speaker** here interposed, and said he must again remind the gentleman that the deposite bill was not then the subject under consideration, but was wholly unconnected with it.

Mr. **Peyton**. Mr. Speaker: All I can say, then, sir, is, that the same party in this House who have prevented an amendment of the constitution to secure to the people the election of President and Vice President—the same party who have trampled under foot the executive patronage bill—a measure which was a means of elevating the present Chief Magistrate to power—the same party who have prevented any investigation into the control over the public money—the same party who have prevented the distribution of thirty millions of dollars of the revenue to which the people are entitled, as every body admits, under the constitution—the same party who have concealed the frauds of Reuben M. Whitney—yes, sir, that same party are now arrayed to suppress inquiry into these Indian frauds, and to protect a band (to call them robbers would be a compliment in comparison to what they merit) of men whom avarice and grasping meanness have impelled to the perpetration of every crime, and upon whom the blood of the innocent child, spilt before its mother's face, cries aloud for vengeance. Of this we have already evidence enough. And, sir, it is the same party, headed by the same leaders, whom I have stood by here and seen in days gone by, who defeated the three-million appropriation on the Ides of March; yes, sir, and headed by the same chief that I saw enter that door in the dark hour of midnight, gliding and stealing in as if he had fled from the inglorious field of Bladensburg, he was present, aiding and consenting to the death. Then there was his Secretary, (Mr. Forsyth,) at his side, to give the order, to pronounce sentence. He sanctioned it, and his deputy sheriff (Mr. Cambreleng) executed it, while his committee men and chairman were going through this House dissuading members from voting. Mr. Speaker, I can prove it. I can prove, sir, that the then chairman of the Committee of Ways and Means (the present Speaker, Mr. Polk,) told one of his colleagues that if he had any doubt, he ought not to vote. His colleague told him, in reply, that he had doubts as to the propriety of sitting after twelve o'clock, and should like to have them removed; but that he would continue to vote until that was done. And, sir, if a committee had been appointed with full power to send for persons and papers, which was refused, through the instrumentality of the party, too, and rejected by the gentleman from Massachusetts, [Mr. Adams,] * it could have been proved. Nor is this all. Sir, I am informed by a gentleman, that he himself heard Mr. Van Buren say that the report must not or ought not to be made; and, said he, I told Mr. Lewis, of Alabama, and Mr. Whittlesey, of Ohio, the same thing, and one or two other gentleman besides; and, since that, without knowing my object, I have asked them about it, and they have substantiated what this gentleman has informed me. Sir, it is the same secret, sly, indirect, crafty influence, which is now operating to defeat the present inquiry; for they well knew that if you once set a precedent to examine into these frauds, it would not be very easy to stop it. Oh! but, say they, it is not worth while to say any thing about it. Every one knows the President is honest, and we will get out of it that way. But once establish the precedent, and give us a committee on these frauds, and then you must give us a committee upon land speculators everywhere else, ay, even in New York. Then you must give us a committee upon any men or set of men concerned in, or charged with, frauds, not even excepting the notorious Reuben; and therefore it is better to establish the precedent in time, that secrecy is and shall be the order of the day, and the watchword of the party; for in that consists its power and safety. Sir, what freeman will bend his neck to that secret power, more detestable and more odious than the inquisition of Spain?

Sir, it is not necessary that the chief and leader should always be personally present. First, on the night of the last session, you might see the cogniac ghost, as my friend from Virginia called him, [Mr. Wright, of New York,] gliding in, to shed the light of his countenance upon the subject. When that failed, you might see the chief himself stalking in, smiling, through the green and white door, and even if he did not speak, the Secretary spoke for him. A wink, a nod, or a look from him was enough.

> "Though smooth his voice and calm his general mien,
> Still seems there something he would not have seen."

What brought him here at such a time?

> "Few are his words, but quick his eye and hand,
> With these he mingles but to command:
> Steer to that shore! They sail. Do this! 'Tis done.
> Now form and follow me, the spoils are won.
> What is that spell, that thus his lawless train
> Confess, and envy, yet oppose in vain?"

What might it be, but the power of gold—the magic of the Treasury? Yes, sir, you might on that night see his creatures flying, advancing, retreating, and returning, according to orders. Mr. Speaker, have you not witnessed the same thing? I saw it, sir, and am sure it could not have escaped your observation.

Mr. Speaker, I know I am speaking under the uplifted arm of the previous question. It is personified in this hall.* I can see it now, sir, as I saw it operate upon its owner one day, when he rose to speak, very much like a chicken that has the gapes. It sticks in his throat so naturally that he can get nothing else out for some time. He goes about with it half out of his mouth, like a snake with a chicken half swallowed. Sir, I not only know it, but I know that no opportunity will be offered for me or any other man to express his sentiments upon any question, unless directly up to the point of relevancy, and that is my apology for detaining the House even as long as I have done. I have been induced to make the remarks which I have made, not, sir, because they were directly pertinent to the question before the House, but in reply to the gentleman from New York, [Mr. Vanderpoel,] who was suffered to proceed unrestricted, and who, while he himself seems to have put this question solely on party grounds, has, at the same time, attributed to me, and to those with whom I act, the very same motives for desiring to go into the investigation of these frauds.

When Mr. Peyton had concluded,

Mr. EVERETT said he rose to ask the gentleman from Virginia [Mr. Wise] to withdraw his motion, and permit the question to be taken. He said the House had already decided the question. The Committee on Indian Affairs had been charged with an important examination in relation to the abuses in the Indian department. They had progressed so far as to become unanimously satisfied that there was sufficient ground to continue the examination, without committing themselves upon any particular case. This, for one, he should not do until the examination was completed. The committee, as the organ of the House, had reported this as their judgment, in the resolution they had presented to the House. This resolution proposed to continue the examination as to all abuses. The Creek frauds were not the most important; their effect was temporary, though it had been most fatal. The other abuses were of a more permanent character; they had been interwoven in the administration of this department, and might involve individuals of high standing. As to the Creek frauds, the committee were of opinion that an important collateral benefit would result from the mere fact of the appointment of a committee. It was a fact known to every one, that, from some cause, (just or unjust, he would not say,) the Indians had no confidence in agents sent by the Executive among them. The appointment of a committee of the House would inspire them with confidence in the justice of the country: though it might have no effect on those who were in actual hostility, yet it might prevent the increase of their number. It would decide the wavering, and, for one, he believed it would, more than any other measure, tend to pacify them. The House had been put in possession of the views of the committee; they had deliberately decided that there should be no further examination; they had negatived the resolutions offered by the committee; they had taken the responsibility of refusing the inquiry—a responsibility which would rest on every member who voted against the resolution. They had also negatived the very proposition now offered by the gentleman from Virginia, when offered by the gentleman from Louisiana [Mr. Garland] as an amendment to the amendment of his colleague, [Mr. Ripley.] They had voted against any examination of the Creek frauds by a committee. Having thus, in two votes, refused all further examination, he would, therefore, ask the gentleman from Virginia what purpose would be answered by a third vote, and hoped he would withdraw his motion.

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* When Mr. Adams introduced his celebrated resolution of inquiry into the loss of the fortification bill of the last session, Mr. Williams, of North Carolina, suggested a modification, of the character indicated above, which Mr. A. refused to accept. Mr. W. then moved it as an amendment, and the resolution has been suffered to sleep on the Speaker's table ever since.—*Note by Mr. P.*

* It should be stated that, several times in the course of Mr. P's remarks, gentlemen had risen to address the Chair, who were much in the habit of what is technically called "applying the screws."—*Note by Mr P.*

Mr. WISE stated the yeas and nays were not called on Mr. Garland's amendment; his object in persisting in his amendment was to obtain the yeas and nays.

Mr. BOON said that the charges made against this administration, of supposed frauds and corruption, had been so often repeated, that they had lost all their influence with the people of the country, and passed by the public ear like the sound of the idle winds. Sir, said Mr. B., I recollect that two years ago, the hue and cry of fraud and corruption was sung against the Post Office Department, and its then talented and distinguished head. And, Mr. Speaker, one would have supposed, from the clamor of the opposition, that the Post Office Department was the very fountain of all kinds of fraud and corruption. Committees of both Houses of Congress were appointed to examine into the alleged frauds, in the recess of Congress, and what was the result? Why, sir, reports were made and printed for circulation among the people, containing several hundred pages of testimony and comment by the committees; but, after all their labors, they were not able to produce proof of a solitary case of fraud or corruption in any one of the officers of the Government. The consequence was, that the public mind became satisfied that all the charges of fraud and corruption were wholly unfounded in point of fact; and now we hear no more about the frauds that were charged upon the Post Office Department. The venue is now changed, and it is now supposed and verily believed that enormous frauds have been committed by some of the officers of the Government upon the "poor Indians;" and we are now called upon to appoint a committee to travel over the country during the recess of Congress, with power to send for persons and papers, with a view to ascertain whether or not those vague charges that have been trumpeted forth to the country are well founded.

Those who are opposed to sending out this mission, are charged with a disposition to cover up those supposed or alleged frauds complained of, and party tactics have been charged upon those who are opposed to the appointment of a committee of this House to inquire into this matter during the recess of Congress.

Now, Mr. Speaker, I will not charge the honorable mover of this project, or any of its advocates, with party purposes in this matter; but, sir, as many surmises have been made in reference to the alleged frauds upon the poor Indians, would it not be fair to suppose a supposable case? and to suppose that great electioneering facilities would be afforded to the political missionaries thus sent into the different sections of the country? Might it not be surmised or supposed by some, that this mission, if sent out through the country, would have an opportunity of operating upon the next presidential election? How is this committee to be raised, Mr. Speaker? Why, sir, it is proposed that the Committee on Indian Affairs shall depute three or more of their own members, and we are told that a majority of the members of that committee are friends of this administration. Admit this to be true, does that argue that the friends of the administration on the Committee on Indian Affairs will be appointed a sub-committee for the purposes that are had in view in this matter? I think not. The Committee on Indian Affairs is composed of nine members, and I predict that if the proposition as first proposed shall be adopted by the House, the sub-committee will not be made up of the friends of the administration. On the contrary, its most bitter enemies would be sent out, and an opportunity to electioneer for President would be afforded to some, and the newspapers would be filled with political squibs, stating that no doubt existed as to the alleged frauds, and that all that was wanting to support the charges, was a lack of one or more credible and disinterested witnesses to testify, and the truth declare on oath. Thus would matters progress until after the presidential election in November next; and, to wind up the affair, at the next meeting of Congress, this House, and the country, would be favored with another report similar to the one made on the subject of frauds which were charged upon the Post Office Department.

Mr. B. said that he had entire confidence in the President, and that he had no doubt but what every exertion would be made by the President to have this matter probed to the bottom; and if fraud shall be found to exist, have the guilty punished. Sir, said Mr. B., I am one of those who never feared responsibility on my part; and as one of the representatives of the people, I am willing to bear my share of responsibility in voting against the appointment of a committee on the part of this House, to travel through the country to electioneer from now until the next annual meeting of Congress, at eight dollars per day, and eight dollars for every twenty miles' travel. Mr. Speaker, I will not detain the House at this late period of the session, but I felt myself called upon to say thus much by way of offset to some of the many charges that have been made against this administration and its friends.

Mr. BYNUM demanded the previous question; but withdrew it at the suggestion of

Mr. HAWES, who said a few words in reply to the gentleman from Indiana, and then renewed (as promised) the demand for the previous question.

Mr. CALHOUN, of Massachusetts, moved to lay the whole subject on the table.

Mr. WISE called for the yeas and nays; which were not ordered, and the motion to lay on the table was lost without a count.

The previous question was then seconded by the House, 69 to 56.

Mr. WISE asked for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 90, nays 66. So the House determined that the main question should be now put.

The question on the adoption of the resolution, as modified on suggestion of Mr. Wise, was then taken, and decided in the affirmative: Ayes 91, noes not counted. So the resolution was agreed to in the following form:

Resolved, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the

President of the United States, and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them who may have been guilty of any breaches of the laws, as may appear to be proper, and within the power of the Executive.

Mr. WHITTLESEY, at half-past nine P. M., called for the orders of the day; and, after some conversation, on the priority of business, the House went into Committee of the Whole, for the consideration of certain private bills from the Senate.

Saturday, July 2.

BANK LOANS TO MEMBERS OF CONGRESS.

Mr. HUNT, from the select committee appointed to inquire whether any and what members of Congress, heads of Departments, and other officers of the Government, had obtained accommodations and facilities from any bank or banks in obtaining the use of public money for the purposes of speculation in the public lands, submitted a report, concluding with the following resolutions:

Resolved, That the select committee appointed by this House on the 20th June, 1836, be increased to nine, and that the said committee have power to sit during the recess of this House.

Resolved, That the said committee embrace, in their inquires, any connexion between deposite banks or others and the land offices, for the purposes of speculation.

Resolved, That said committee inquire how far, and to whom, for speculation in public lands, the deposite banks have issued certificates of deposite without an actual deposite in cash, and to what extent they have been received in payment for purchases of public lands at the several land offices.

Resolved, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed, or are forming, sufficiently strong, from interested motives, to control, to any extent the legislative action of Congress.

Mr. HUNT addressed the House at some length, in explanation of the course taken and recommended by the committee; and stated that the report and resolutions had the unanimous assent of the committee.

Mr. LANE moved that the report and resolutions be laid on the table and printed; remarking, at the same time, in justice to himself, that he had no interest in making the motion, having had no connexion with any banks, having received no accommodation or facilities from them, and having had nothing to do with land speculations.

Mr. PEARCE, of Rhode Island, (a member of the committee,) begged leave to ask the gentleman whether he could say the same of his son; and whether his son had not made forty or fifty thousand dollars through bank facilities?

Mr. P. was called to order.

Mr. ADAMS called for a division of the question, so as to be first taken on laying on the table.

Mr. WILLIAMS, of North Carolina, asked the yeas and nays; which were ordered, and, being taken, were as follows:

Yeas—Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Boyd, Buchanan, Burns, Cambreleng, Casey, G. Chambers, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dickerson, Doubleday, Dunlap, Efner, Fairfield, Farlin, Fowler, Fry, W. K. Fuller, Gillet, Grantland, Albert G. Harrison, Hawkins, Haynes, Henderson, Hiester, Hubley, Huntington, J. Jackson, Jarvis, R. M. Johnson, Cave Johnson, John W. Jones, Judson, Kennon, Lane, Lansing, G. Lee, T. Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, J. Mann, Martin, Moses Mason, May, McKim, McLene, Miller, Montgomery, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Potts, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, T. T. Whittlesey—98.

Nays—Messrs. Adams, Chilton Allan, Bailey, Beaumont, Bell, Bond, Bouldin, Briggs, Bunch, Carter, Childs, J. F. H. Claiborne, Clark, Corwin, Crane, Darlington, Evans, Everett, Forester, J. Garland, Granger, Graves, Grennell, Griffin, Hardin, Harlan, Harper, Hawes, Hazeltine, Hoar, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Ingham, Janes, H. Johnson, Kinnard, Lawrence, Luke Lea, Lewis, Lincoln, Love, S. Mason, Maury, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Dutee J. Pearce, Peyton, Phillips, Reed, Rencher, Robertson, Russell, W. B. Shepard, Shields, Spangler, Standefer, Storer, Taliaferro, Thomas, Underwood, E. Whittlesey, Lewis Williams, Sherrod Williams, Wise--71.

So the report and resolutions were ordered to lie on table; and they were then ordered to be printed.

LAND OFFICE.

On motion of Mr. KENNON, the committee took up (*nem. con.*) the "bill to reorganize the General Land Office."

The bill having been read, the committee took up the amendments proposed by the Committee on the Public Lands.

Mr. KENNON hoped the committee would not concur in any of the amendments, but agree to the bill as it came from the Senate.

On this considerable discussion arose, in which Messrs. LINCOLN, WILLIAMS of North Carolina, VINTON, JOHNSON of Tennessee, CHAPMAN, JOHNSON of Louisiana, LYON, GRENNELL, JARVIS, WHITTLESEY of Ohio, PARKER, BOON, and KENNON, took part, when all the amendments of the committee were concurred in.

Mr. KENNON offered an amendment to the bill adding twenty additional clerks, at a salary of $1,200 each. Mr. K. explained that this amendment was contained in the Senate's bill, but was left out in the engrossment by mistake.

The amendment was then agreed to.

Mr. LINCOLN moved to strike out the proviso in the fourth section. Agreed to.

Mr. JOHNSON, of Tennessee, offered an amendment as a substitute for section nine, a section providing that the Commissioner should have a stated number of clerks, to be appointed only for two years. He stated his object to be to have all the work of the office now lying behind brought up; and then leave it for Congress to fix the number necessary to be employed hereafter.

After some remarks by Messrs WHITTLESEY of Ohio, BOON, JARVIS, VINTON, WILLIAMS of North Carolina, and PARKER,

The amendment of Mr. Johnson was rejected.

Mr. GARLAND, of Louisiana, offered as an additional section that the offices should be kept open ten hours a day in the summer season, and eight hours in the winter. Agreed to.

Mr. UNDERWOOD offered an amendment placing restrictions upon registers of land offices. Agreed to.

Mr. HAWES submitted an amendment prohibiting officers of the General Land Office from purchasing public lands. Agreed to.

Mr. JOHNSON, of Tennessee, moved an amendment providing that the thirty-five clerks provided for by the bill at a salary of $1,000 should not be appointed for a longer term than two years. Lost.

Mr. J. then offered an amendment, for the purpose of increasing the pay of the clerks in the War Department.

After a few remarks by Messrs. **VINTON, CAMBRELENG**, and **JOHNSON**, the amendment was rejected.

The bill was then laid aside, to be reported to the House.

The committee then took up the bill in addition to the "act making appropriations for the support of Government for the year 1836."

Some of the amendments submitted by Mr. Cambreleng, from the Committee of Ways and Means, were concurred in; when

The House took the usual recess, from half past two to four o'clock.

Evening Session.

The House took up the bill making appropriations for certain harbors.

The several amendments of the Senate proposing reductions were concurred in.

The question then recurred on the amendment proposing to insert the clause struck out by the House making an appropriation of $30,000 for surveys.

Mr. **SMITH** called for the yeas and nays on concurring in the amendment; which were ordered, and were: Yeas 71, nays 64.

So the amendment of the Senate was concurred in.

INDIAN AFFAIRS.

The House went into Committee of the Whole on the state of the Union, (Mr. Mason, of Virginia, in the chair,) and resumed the consideration of the "bill in addition to an act making appropriations for the support of Government for the year 1836."

Various amendments submitted by Mr. Cambreleng were agreed to.

Mr. **PARKS** moved an additional clause, extending the Capitol square westward to First street, including the botanic garden, (so called,) which motion was briefly advocated by Mr. P.

Mr. **WARD** said he concurred in opinion with the gentleman from Maine, [Mr. Parks,] as to the propriety of extending the public grounds on the west of the Capitol as far as First street, and he hoped the proposed amendment would prevail. The public square will be much improved in appearance, and will be more in keeping with the splendid Capitol; for the public grounds on the west are too limited for a building covering nearly two acres of ground. In point of economy, he said, it was desirable, because it is now proposed to erect an iron fence around the botanic garden, which will cost at least 30 or $40,000; and next year there will doubtless be an application for making an iron fence on the triangular lots which lie to the north of Pennsylvania avenue, and south of Maryland avenue. If the grounds are extended to First street, as proposed, they will be handsomely laid out in walks and planted with trees and shrubbery, and will moreover allow sufficient space for the fountain, or a *jet d'eau*, to be erected, $5,000 being appropriated in this bill for that object.

The amendment was then agreed to.

Mr. **MANN** offered an amendment authorizing the President of the United States to contract for the construction of a building for the Treasury Department of the United States.

Mr. **TALIAFERRO** offered an amendment to the amendment to provide for the erection of a fire-proof building for the Patent Office.

After some remarks by Messrs. **VINTON, A. H. SHEPPERD, TALIAFERRO**, and **JARVIS**, the amendment was agreed to; and the amendment as amended was also agreed to.

Mr. **GRAVES** offered an amendment to provide for the purchase of the stock of the Louisville and Portland canal. Lost: Yeas 50, nays 72.

Mr. **DUNLAP** offered an amendment appropriating $5,000 for the erection of a marine hospital at Memphis, Tennessee.

Mr. D. said that the amendment he offered was one of necessity; that every State west of the mountains was more interested than the State he had the honor in part to represent; but his immediate constituents in the town where the hospital was intended to be erected were directly interested as individuals. They had to pay annually more than two thousand dollars in private contributions for the support of such persons as were put on shore at this town sick and unable to pay anything for their support and protection. This burden I ask the House to relieve my constituents from. They have less interest in the hospital than any other portion of the community, except the town of Memphis. When the citizens of my district get so near home as Memphis, their friends will come and take care of them.

Mr. Chairman, (said Mr. D.,) I now hold in my hand the list of the steamboats engaged in the navigation of the Mississippi river. The number of the boats will give the House some idea of the number of persons engaged in the navigation of said river. But, sir, there is another meritorious class of our citizens engaged in the navigation of the Mississippi river; they are persons who take their surplus produce to the Southern market in flat-boats, and return home on the steamboats. Sir, the persons who are engaged in the navigation of the Mississippi river are compelled to go to market in the season of the year that they are subject to all the diseases incident to the Southern climate.

Mr. Chairman, (said Mr. D.,) Memphis is situated between three and four days' travel above New Orleans, and those who contract the disease of cholera, yellow fever, or small pox, by the time they arrive at Memphis, the disease makes its appearance, and the captains of the boats leave the persons thus diseased, lying on the banks of the river, without any place to go to; no public house will take them in, and the private families do not wish to take persons among their families with contagious diseases, and the persons are left to lie on the wharf and die, or are placed at the charity of the citizens. Sir, if there is one man on this floor who will rise in his place and say an hospital is not necessary at Memphis, I will not press my amendment. I cannot believe that any representative of the American people will refuse to appropriate money sufficient to build a house for the reception of the sick and disabled American citizens who are engaged in the navigation of the Western rivers.

Mr. **STORER** offered a substitute for the amendment appropriating $5,000 for the purpose of making examinations and purchase of suitable sites for hospitals on the Western waters.

Mr. **PEARCE**, of Rhode Island, opposed the adoption of the amendment, on the ground that the House was not in possession of the information necessary to justify the appropriation at this time.

Mr. **REYNOLDS**, of Illinois, said that he knew it was unpopular to rise and speak at this late hour of the session. His excuse for it was the situation of the working class of men on the Western waters. It was for them, and not for himself, that he exposed himself, on this occasion, to the censure of the committee. The gentleman from Rhode Island [Mr. Pearce] said we must wait. Mr. R. said he would have no objection to wait, if sickness and death to the sailors on the Western waters would also wait. He said he had brought the subject before the

House and Committee on Commerce the session before the last, but nothing was done. The gentleman from Rhode Island does not know the situation of the working men on our rivers, or he would not urge a continuance of this subject. They are not, like the gentleman, living at their ease, with physicians and all the comforts and luxuries attending them. They walked not on carpets in navigating their vessels. They needed legislation, and he hoped they would receive it.

Mr. R. concluded by observing, that nothing was demanded but a preparatory step to purchase sites and report to the next Congress.

The substitute and amendment were both rejected.

Mr. HAWES offered an amendment appropriating $300 for the printing of the report in relation to the West Point Academy. Lost.

Mr. LOVE offered an amendment for the erection of an hospital on some point on Lake Erie. Lost.

Various other amendments were offered to the bill and acted on by the committee.

The bill was then laid aside to be reported to the House.

PATENT OFFICE.

The committee then took up the bill to promote the progress of the useful arts, and to repeal all acts or parts of acts heretofore made for that purpose.

Mr. HAWES offered an amendment reducing the salary of the commissioner of the Patent Office to $2,000.

After a few remarks by Messrs. **WILLIAMS** of North Carolina, **VINTON, REED, JOHNSON** of Tennessee, **PARKS,** and **HARPER,** the question was taken, and the vote was: Yeas 25, nays 55—no quorum.

The committee then rose and reported that fact to the House.

The Speaker having resumed the chair.

Mr. DROMGOOLE moved a call of the House; which was ordered, and proceeded in for some time, when its further proceedings were dispensed with, and the House again went into committee.

The question being taken on the amendment, no quorum again voted, the tellers reporting first 23 to 76, and then 32 to 77.

Mr. CAMBRELENG said he hoped the committee would rise, and that there be a call of the House, so that it might be seen who were absent on so important an occasion as the present.

The committee then rose again for want of a quorum.

Mr. McKAY moved a call of the House.

Mr. GARLAND, of Louisiana, asked for the yeas and nays, by the taking of which, he said, it could be ascertained if a quorum were present or not.

The yeas and nays were ordered, and were, 119 to 35. So a call of the House was ordered.

The House then went again into committee, and

Mr. CAMBRELENG moved that the committee rise, and report some of the bills to the House; which was agreed to, and the committee rose and reported.

Mr. ADAMS raised the point of order, that the chairman of the committee ought not to have reported any of these bills, notwithstanding the vote of the committee, on the ground that any one bill was open to amendment until they were all gone through. He addressed the House at some length on the point. Mr. A. then moved to recommit the bills. Lost.

GENERAL LAND OFFICE.

The House took up the bill to reorganize the General Land Office.

The amendments of the Committee of the Whole were all severally concurred in; and the bill having been engrossed, was read a third time and passed.

SUPPLEMENTARY CIVIL LIST BILL.

The House then took up the bill in addition to the act making appropriations for the support of Government for the year 1836.

The amendments of the Committee of the Whole were severally concurred in.

Mr. DUNLAP then renewed his amendment to appropriate $5,000 for the erection of a marine hospital at Memphis, Tennessee.

After a few remarks by **Mr. DUNLAP,**

Mr. HOWARD moved the previous question; which was seconded by the House, and the main question was ordered.

The bill having been ordered to be engrossed, was read a third time, and the question being on its passage,

Mr. PATTON moved to recommit it to the Committee of the Whole, with instructions to strike out the clause appropriating the compensation to the Senators and Representative from Michigan.

Mr. MANN, of New, York, moved the previous question; which was seconded by the House: Yeas 77, nays 52.

Mr. CALHOUN, of Massachusetts, called for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 94, nays 73.

The bill was then passed.

PATENT OFFICE.

The House again went into Committee of the Whole on the bill to promote the progress of useful arts, &c.

The amendment pending was the motion of Mr. Hawes to reduce the salary of the Commissioner of the Patent Office to $2,000.

The question being taken, it was decided in the negative: Yeas 28, nays 93.

Mr. HAWES moved to reduce the salary of the chief clerk to $1,500. Lost.

Various other amendments were submitted by Messrs. **HAWES, ADAMS, GRAVES,** and **HOWARD,** all of which were rejected.

The bill was then laid aside, to be reported to the House.

Mr. R. M. JOHNSON moved that the committee take up the bill providing for the appointment of three additional paymasters in the army. Agreed to: Yeas 88, noes not counted.

The committee then took up said bill.

Various amendments were submitted by Messrs. **McKAY** and **KINNARD;** which were acted on.

Mr. WILLIAMS, of Kentucky, moved to strike out the enacting clause of the bill. Lost.

The bill was then laid aside, to be reported to the House.

JUDICIARY SYSTEM.

On motion of **Mr. THOMAS,** the committee then took up the bill entitled "An act supplementary to the act entitled an act to amend the judicial system of the United States."

There were several amendments proposed to this bill by the Committee on the Judiciary.

After a few remarks by **Mr. THOMAS,**

Mr. EVERETT moved to lay the bill aside.

After some further remarks by Messrs. **R. GARLAND, J. GARLAND, UNDERWOOD, MARTIN, BELL, ROBERTSON, JOHNSON** of Louisiana, **SUTHERLAND, R. M. JOHNSON, EVERETT,** and **RIPLEY,** the motion to lay the bill aside prevailed.

DUTY ON WINES.

The committee then took up the Senate bill entitled "an act to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines."

Mr. HOWARD, from the Committee on Foreign Affairs, submitted sundry amendments; which were agreed to.

Mr. CAMBRELENG moved a proviso, that the benefits of this act should not extend to any wines entitled to debenture. Agreed to.

The bill was then laid aside, to be reported to the House.

PATENT OFFICE.

The Speaker having resumed the chair, the House took up the bill entitled "an act to promote the progress of the useful arts;" and to repeal all acts and parts of acts heretofore made for that purpose.

Mr. GARLAND, of Louisiana, moved to lay the bill on the table. Lost.

Mr. TALIAFERRO moved to reconsider the vote by which this bill was ordered to a third reading. Lost.

The bill was then read a third time and passed.

HARBOR BILL.

The House took up the amendments of the Senate to the bill making appropriations for certain harbors for the year 1836.

Mr. PATTON moved to lay the bill and amendments on the table.

Mr. WILLIAMS, of Kentucky, called for the yeas and nays; which were ordered, and were: Yeas 54, nays 91, as follows:

Yeas—Messrs. Beale, Beaumont, Bell, Bond, Bouldin, John Calhoon, Cambreleng, Casey, Chapman, John F. H. Claiborne, Cleveland, Coles, Craig, Crane, Forester, Fry, James Garland, Graves, Joseph Hall, Hiland Hall, Hawes, Hawkins, Haynes, Henderson, Hopkins, Hubley, Jarvis, John W. Jones, Luke Lea, Lewis, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, McKay, McLene, Montgomery, Morris, Patton, Pinckney, Rencher, Robertson, Rogers, A. H Shepperd, Standefer, Underwood, Wagener, Webster, White, Sherrod Williams, Wise—54.

Nays—Messrs. Adams, Heman Allen, Ash, Ashley Bailey, Barton, Bockee, Borden, Boyd, Briggs, Burns, W. B. Calhoun, John Chambers, Chapin, Corwin, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Evans, Farlin, William K. Fuller, Galbraith, R. Garland, Gillet, Granger, Grennell, Haley, Hamer, Hard, Harper, A. G. Harrison, Hazeltine, Hiester, Hoar, Howard, Huntington, Ingersoll, Ingham, Jabez Jackson, Janes, Richard M. Johnson, Henry Johnson, Judson, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, T. Lee, Lincoln, Love, W. Mason, S. Mason, McCarty, McKennan, McKeon, McKim, Miller, Milligan, Moore, Muhlenberg, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phillips, Reed, Ripley, Russell, Schenck, Shinn, Sickles, Smith, Spangler, Sprague, Storer, Sutherland, Thomas, John Thomson, Toucey, Turrill, Vinton, Wardwell, Washington, E. Whittlesey, T. T. Whittlesey—91.

So the motion to lay on the table was negatived.

Mr. SUTHERLAND moved the previous question; which was seconded by the House; Ayes 88, noes 38.

The main question was ordered, and the amendments were concurred in.

DEPOSITE BILL.

The House then took up the supplemental deposite bill from the Senate.

Mr. RENCHER submitted an amendment providing for the disposition of the United States Bank stock owned by the United States, in case it should be received before the distribution bill came into operation, (viz: that its proceeds should be added to the amount to be distributed,) and asked for the yeas and nays; which were ordered.

Mr. McKIM moved the previous question; but the House refused to second the motion, only 54 voting in the affirmative.

Mr. WISE then addressed the House on the principles of the original bill; and, after a few words in explanation from Mr. PATTON,

Mr. MANN moved to lay the bill on the table. Lost.

The question was then taken on the amendment; which was decided in the negative: Yeas 60, nays 76.

So the amendment was agreed to.

The bill having been ordered to a third reading, was read a third time and passed.

CHICKASAW SCHOOL LANDS AND FIVE PER CENT. FUND.

Mr. CLAIBORNE, of Mississippi, said that it was now near day-light, and he had been patiently waiting from ten o'clock on the previous morning for an opportunity of moving to go into Committee of the Whole on the state of the Union on the bill from the Senate "to carry into effect the compact with the States of Alabama and Mississippi, in regard to the sixteenth sections and the five per cent. fund." He was wearied with these repeated prolonged sittings, these midnight vigils, but could not neglect a bill which, though local in its character, was of absorbing interest to his constituents. He was aware of the competition for the floor; of the deep anxiety of almost every gentleman to call up some favorite measure: he knew that there were bills upon the calendar of more national importance; but still he would throw himself upon the indulgence of his friends around him, on all sides and in all parties of the House, and ask for the immediate commitment and consideration of this bill. He would move to give it precedence over all others. He had not heretofore been troublesome, importunate, or officious; he had proposed no partisan measures, made no superfluous requests. The youngest member in the House of Representatives, he felt, from the day on which he took his seat, that he had much to learn from the wisdom of the distinguished men around him, much to ask and expect from their liberality and kindness. He had experienced frequent instances of this from the committee, which had already voted him, without opposition, handsome appropriations for the benefit of his State. And he now asked, as a personal favor to himself, and to his respected colleague, [Mr. Dickson,] absent from indisposition; he asked it as due to the people of Mississippi, and more particularly to his enterprising and intelligent constituents residing in the Chickasaw cession; he asked it in behalf of the great cause of letters and internal improvement, which will be essentially advanced, that the House do agree, in these expiring moments of its protracted session, to go into committee on this bill.

On motion of Mr. C., the House went into Committee of the Whole on the state of the Union, and took up the bill indicated by Mr. C., the title of which was as follows.

"An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts within those States in regard to the five per cent. fund and the school reservations."

[This bill is peculiarly interesting to the people of Mississippi. It makes an appropriation out of the Treasury of an amount equal to five per cent. on the nett proceeds of the sales of the Chickasaw lands, probably $30,000, and authorizes the State to locate other lands in half or quarter sections, or eighths, in lieu of the 16th sections neglected to be secured by the provisions of the treaty; and the land thus located is for the use of schools in the twelve counties recently organized in the Chickasaw cession. Alabama is alike interested, but in a smaller degree.]

The bill was read, considered, and ordered to be reported without amendment.

JUDICIAL SYSTEM.

Mr. **RIPLEY** moved that the committee take up the bill entitled "an act supplementary to the act entitled an act to amend the judicial system of the United States."

On taking the question twice, the tellers first reported, yeas 71, nays 44; second, yeas 72, nays 36; no quorum.

Mr. **EVERETT** moved that the committee rise and report that fact to the House.

The **CHAIR** then rose, and was proceeding to count the House, when

Mr. **WILLIAMS**, of Kentucky, rose and called the Chair to order.

The **CHAIR** desired the gentleman from Kentucky to take his seat.

Mr. **WILLIAMS**. I shall not take my seat—you take yours.

[Loud cries of order! order! from every part of the hall.]

The **CHAIR**. The gentleman from Kentucky is called to order.

Mr. **WILLIAMS**. I call you to order.

The **CHAIR**, again. The gentleman from Kentucky will be pleased to take his seat.

Mr. **WILLIAMS**. I shall not take my seat! You take yours—I call you to order!

The **SPEAKER** here appeared and resumed the chair; when

Mr. **SUTHERLAND** reported that while in Committee of the Whole House, Mr. WILLIAMS, of Kentucky, a member of the Committee of the Whole House, addressed the Chairman whilst he was counting the members for the purpose of ascertaining whether a quorum was present, and was called to order by the Chairman and requested to take his seat; this he positively and repeatedly refused to do, and called the Chairman to order, and demanded of him to take his seat; and Mr. WILLIAMS persisting in his refusal to submit to the authority of the Chair, the Chairman left the chair, and now reports the facts which had induced the committee to rise to the Speaker, and through him to the House.

The Speaker decided the gentleman from Kentucky to be out of order.

Mr. **ADAMS** moved that the House adjourn. Lost, without a count.

Mr. **VINTON** then, by consent, moved that when the House adjourns, it adjourn to meet on Monday morning, at 8 o'clock; which was agreed to.

Mr. **WILLIAMS** then rose and said that, like all other men, he was somewhat impulsive when he found his rights trampled upon; but he wished the House distinctly to understand that what he had done was not out of contempt or disrespect to the House. The fact was that, but a few moments before, he had called for a division of the question, and the individual occupying the chair had refused to listen to his motion. He himself had passed it over then, though one of his colleagues had come to him and endeavored to dissuade him from doing so. On what he considered a repetition of the insult, he called the Chair to order. He would now state distinctly that he intended no disrespect to the House, but he did intend to offer an indignity to the man who occupied the chair.

Mr. **SUTHERLAND**. Then I will not take the chair again.

The **SPEAKER**. The Chairman will resume the chair.

Mr. **SUTHERLAND**. After what has fallen from the member, I will not take the chair.

Mr. **EVERETT** moved that the House adjourn. Lost, without a division.

The **SPEAKER** said the Chair had hoped that, on the temporary rising of the committee, this question would have been settled without any difficulty, and he still hoped so. It was a novel case, and it was for the House, under the circumstances, to take its own course. He again requested the chairman to resume the chair.

Mr. **SUTHERLAND** said he must decline.

Mr. **LEWIS** remarked that a great deal was due to temperance on this occasion. The fact was that the House had had, for several days past, most protracted sessions, and the great interest felt by particular members for particular measures might have prompted the Chairman to have done more for the despatch of business than was perhaps strictly regular, though without intending it. He himself had no doubt that the gentleman from Kentucky labored under the impression that an indignity was offered to him, though he was quite confident that none was intended. It was, perhaps, an innocent misunderstanding on both sides, and as the gentleman from Kentucky had made an apology to the House, and one that Mr. L. considered ample and satisfactory, he hoped the Chairman would resume the chair.

Mr. **JARVIS** said it appeared to him that the case was a very simple one. It was, whether the House would suffer itself to be insulted through its Chairman when in Committee of the Whole. If they would not sustain their Chairman, if they would not resent an indignity offered to him in the chair, there was an end to all order.

Mr. **LEWIS** replied, that if the chairman was willing to push forward the business of the House in a manner violative of the rules of order, he could not but expect that the House would insist upon the observance of its rules. He did not impute any blame to the gentleman from Pennsylvania, then occupying the chair. On the contrary, Mr. L. believed he was acting in accordance with what he believed to be the wishes of the House. He trusted, however, they would not be disturbed by a formal discussion on the subject. As to the indignity to the House, he considered an ample atonement had been offered, for something was owing to the circumstances and to the course pursued by the Chairman.

Mr. **PATTON** thought the first suggestion of the gentleman from Alabama entitled to very great consideration, and they should strive to pass over this thing. It was not Mr. P's intention to express any opinion on the subject, or to recommend any step for the purpose of asserting the dignity of the House, or of inquiring who was wrong, or who most wrong, in this matter, for he did not deem such a course to be necessary. There is the gentleman who occupied the chair refusing to resume it, and they must consequently either stand where they were, or get on in some way. If the gentleman from Pennsylvania still refused to resume the chair, Mr. P. hoped the Speaker would request some one else to take it. [Cries of no! no! from all parts of the hall.]

Mr. **CAMBRELENG** hoped no one else would take the chair, till the insult offered to the Chairman had been satisfactorily disposed of.

[By unanimous consent the Speaker signed a number of enrolled bills at this stage.]

Mr. **CRAIG** moved an adjournment. Lost.

Mr. **PATTON** wished to add to what he said before. It was perfectly manifest that the presiding officer of the House could not do any thing more than he had done, and it was for the House to take what measures it thought best. No proposition of that sort having been made, he now submitted to the Speaker whether it was not the rule that he should vacate the chair, and, if the former Chairman refused to take the chair, appoint some one else in his place.

Mr. **PARKS** had particularly remarked the course of the Chairman that night, which, in his opinion, was strictly parliamentary; and, after what had taken place, he should deem it highly improper in the Speaker to call any other person to the chair, until some apology had been made to that gentleman for the insult offered him by the member from Kentucky. For one, he should object to any other Chairman being appointed until that be done.

Mr. **INGERSOLL** objected to this course, as it might render the session interminable. He would take the liberty of adding that it was not at all necessary that the House should instantly vindicate its own dignity, if it had been insulted. Any time during the session would do, either by the appointment of a committee, or by some other mode. He hoped, therefore, that some other gentleman would be called to the chair, and leave the question open for future decision.

The **SPEAKER** would respectfully state that as the case was altogether of a novel character, he would be entirely under the control and government of the House in this matter.

Mr. **INGERSOLL** then moved that the Speaker request some other gentleman to take the chair. [Cries of no! no! from all parts of the hall.]

Mr. **CALHOON**, of Kentucky, said, if the House would accede to this proposition, he was well assured that his colleague would on Monday make such an apology as would be right and proper. If he did not, then Mr. C himself would move such resolutions and such proceedings as should vindicate the order and dignity of the House. To this he pledged himself, and he hoped the House would assent to it.

Mr. **WILLIAMS**, of Kentucky, knew his colleague to be actuated by the best feelings, both towards him and towards the House. During the present session Mr. W. had done all in his power to keep order, nor had he done any thing to obstruct the business of legislation; but, on the contrary, every thing to expedite it. What apology might be necessary was unknown to him, but he could only repeat what he had said before. That under the excitement of the moment, believing, as could be testified to by a host of members, that an indignity had been offered to him by the Chairman, he had acted as he had done, and as he believed he had a perfect right to do. He called for a division of the question: the Chairman said "never mind—go on, go on;" and then one of Mr. W's colleagues came to him and told him that he had received more than any man ought to receive, and that he ought to insist upon his rights. Still he thought the Chairman intended nothing till after two successive counts. By passing through the tellers, it was evident that a quorum was not present; and it was the duty of the Chairman immediately to have vacated the chair and made known the fact to the House. Still the Chairman was not satisfied, and he himself commenced counting, when the member from Vermont [Mr. Everett] moved that the committee rise and report that there was no quorum. Well, what did the Chairman then do? Instead of putting the question, (said Mr. W.,) as he should have done, he ordered the members to take their seats, commenced counting, and I got up to a point of order. The Chairman directed me to take my seat, and I refused, when there were cries of order! order! from every part of the hall, intimating that I was out order. I then said that I called the Chairman to order, and that he had failed to discharge the duty imposed upon him. I was again called to order from every quarter, and every man knows how to appreciate a thing of this kind. I have said that I was the last man upon this floor who would offer an indignity to the House, but that all I did do was intended to reach the Chairman, and I will not recall what I have said. Towards none do I entertain any unkind feelings except one, but I will never submit to be dictated to by any man. I do not know (added Mr. W.) whether you can separate the personal and official character of the Chairman, but I intended to insult him without intending to insult the House, for I knew he had no right to govern the House.

Mr. **UNDERWOOD** made a few suggestions. He was satisfied, he said, that his colleague made the remarks he did, under the supposition that he was insulted by the gentleman from Pennsylvania. But Mr. U. was perfectly satisfied that that gentleman designed no insult to his colleague from Kentucky. His colleague, perhaps, was not much acquainted with the gentleman's rapidity of manner, and therefore ascribed it to insult towards himself. Mr. U. was satisfied the Chairman was acting his best to progress in the business of the House, whether in order or out of order, in counting the House after the report of the tellers that no quorum had voted. Mr. U. did not know whether the Chairman had the right to do this or not. If he had, his colleague [Mr. Williams] was wrong in calling him to order. It seemed to him, however, that the difficulty could be settled in this way; that his colleague might acknowledge, without compromitting his honor in the least, that what he did proceeded from a belief that he was personally insulted; and Mr. U. felt satisfied, as his friend and colleague, that no insult was intended. [Mr. U. paused for some time.]

Mr. **FRY** said he had listened to the explanation of the gentleman from Kentucky, [Mr. Williams,] and it certainly was unsatisfactory, and he suggested a resolution to that effect.

Mr. **UNDERWOOD** begged leave to add a word or two. He was sure he could not be mistaken in supposing the Chairman intended no insult to his colleague, and he thought the correct course would be for his colleague to state to the House that what he had done proceeded from a belief that he was insulted, and his rights trampled upon; that in that belief only, and laboring under that impression, if it should be the sense of the House that he was not insulted, or intended to be insulted, he retracts every thing he has said. This Mr. U. thought the best way, without compromitting the honor of any body.

A considerable pause took place, apparently to give Mr. Williams a further opportunity of explaining; but that gentleman not rising,

The **SPEAKER** said the course of the Chairman in counting the House, when a quorum had not voted, was strictly parliamentary.

Mr. **WHITTLESEY**, of Ohio, said he had no doubt all the difficulty had grown out of the fact of the gentleman from Kentucky not knowing the rules. It had been the invariable rule for the Speaker and the Chairman of the Committee of the Whole, whenever the question was raised, whether a quorum was present or not, to proceed himself to count the members, or to ascertain in any other way he thought best to accomplish that object. Now, it was well known that a division of the House did not always ascertain that fact, for it was frequently the case that all the members did not vote. In the present instance, he knew that many members did not vote, and he held it to be the duty of the Chair to ascertain whether a quorum was present or not, by his own personal examination, if he could. He thought at the time that the gentleman from Kentucky supposed the Chairman had no such right or power, but Mr. W. maintained it to be his duty. Now, if the gentleman from Kentucky was laboring under that impression, it seemed to him [Mr. Whittlesey] that, without compromitting his honor, it was due to him to make such a statement to the House. An explanation like this would settle the difficuly, and the House might then proceed in its business.

Mr. **PATTON** had thought the plan he recommended would have been satisfactory to the House, but gentlemen said no! no! no! and yet no one had offered any proposition. He now moved the following resolution:

Resolved, That a committee be appointed to take into consideration whether any, and, if any, what measures ought to be taken in vindication of the authority of the House alleged to be contemned by the violation of order reported by the Chairman of the Committee of the Whole on the state of the Union.

Mr. P. thought this would be the best mode to be adopted, and then the business of the House might proceed. [Cries of no! no!]

Mr. R. M. **JOHNSON** adverted to the fact that this was perhaps the first instance of its kind that had occurred since the organization of the Government. The fact was, that if the ground was maintained that the Chairman could be officially or personally insulted in the chair, no one would ever consent to occupy it. He would say to the House, however, that such was his knowledge of his colleague's character as an honorable and feeling man, that he was sure he intended no insult to the House, and that he was excited towards the Chairman only under the belief that that gentleman had exhibited a want of attention towards him. Now, Mr. J. was well convinced that every member of the House would acquit the gentleman from Pennsylvania of any intention of a personal insult; but his (Mr. J's) colleague being under that impression, as is very evident from what he has said, has made an attack upon the Chairman of the House which is totally unjustifiable. He had no doubt that his friend would take the advice of his colleagues, either then or when under less excitement. If he did not, he had a different character from what Mr. J. had always thought him to be possessed of.

Mr. **HARPER**, in a few remarks, also urged the gentleman from Kentucky to make the explanation suggested by his colleagues.

Mr. **EVERETT** said he had made the motion that the committee rise and report there was no quorum, holding that to be the proper course, though he knew that many gentlemen contended it to be the duty of the Chairman to ascertain himself whether there was a quorum or not. It was possible that his motion had produced the difficulty, and he now regretted extremely that he had made it.

Mr. **WILLIAMS** again repeated his former statement, saying that his "indignation and contempt had been aroused" by the insult offered to him by the Chair. Mr. W. did not, and would not, retract any thing he had said.

Mr. **PEARCE**, of Maryland, then rose and said, that however painful it might be, he felt himself under the necessity of moving such a resolution as should vindicate the dignity and order of the House. That House had nothing whatever to do with any personal quarrel between the gentleman occupying the chair and the member from Kentucky; but he was very much mistaken if it had not a great deal to do with the violation of its orders, and the total sacrifice of all the public business at a moment like the present. While he deeply regretted the painful necessity which urged him to do it, he most respectfully submitted the following resolution:

Resolved, That the member from Kentucky, Mr. Williams, having refused to take his seat when ordered so to do by the Chairman of the Committee of the Whole House; having ordered the Chairman to take his seat, and having defied the power of the Chair and the House, has committed a contempt of this House, and is justly liable to its censure.

Mr. **LEWIS** contended that the House should be governed by the *quo animo* towards itself. He held that the gentleman from Kentucky was right in retorting what he considered to be an insult towards himself by the Chairman; for supposing the Chairman threw an inkstand at his head, would he not be justified in sending the missile back? Mr. L. also maintained that the distinction should be drawn between the personal and official character of the Chairman. He had no doubt the gentleman from Kentucky would say that he had no intention to insult the member from Pennsylvania as Chairman of the House, but as an individual, and he would put that question to the gentleman.

Mr. **PHILLIPS** sincerely hoped that no such question would be propounded to the member from Kentucky, nor that any course would be taken that would have the effect of converting this into a personal altercation. He differed with the gentleman from Alabama, whatever might have been the personal feelings of the member from Kentucky towards the Chairman of the Committee of the Whole, or whatever ground he might have supposed he had. Mr. P. thought he had none. He should not be justified in his course, whatever his personal feelings may have been. While in the House they were all bound to conform to its rules, and the proper time and place for an expression of personal feelings was elsewhere, and at a different time, than on that floor. This act can only be regarded here as an act of the member from Kentucky, in violation of the order of the House of which he was a member. Mr. P. held that no personal feelings could justify such concuct. The language, too, used since by the gentleman from Kentucky, in his explanation, must be considered by all the members of the House as an act of disrespect to that body and to its presiding officer; and Mr. P. could conceive of no proper result until that language was withdrawn, or, if that was not done, of the adoption of a proposition similar to that indicated by the gentleman from Maryland; in which Mr. P. felt it his duty to say he entirely concurred.

Mr. **THOMAS** would suggest whether the House could not, without compromitting its own dignity, postpone the consideration of his colleague's resolution till Monday. [General cries of no! no!]

Mr. **EVANS** did not see what could be gained by postponing this matter till Monday, when it would probably consume the whole day. If any more business was intended to be done, this matter must first be settled; and he regretted, extremely regretted, that the member from Kentucky did not seem inclined to accede to the request, advice, and solicitation, of his friends and colleagues, and what seemed also to be a very generous sentiment on the part of the House, and thereby put an end to this exceedingly unpleasant matter. Mr. E. regretted that the gentleman did not take the view of it his colleagues did. The gentleman himself had left the matter beyond all doubt; for since the Speaker resumed the chair, he declared his object explicitly was to offer an indignity to the Chairman.

The reason given by the gentleman from Kentucky offered no justification, even if the Chairman had heard his call. Perhaps the gentleman did not know that those calls for "question," divide," "tellers," from members in their seats, were entirely out of order; and neither the Speaker nor the Chairman of the Committee of the Whole were bound to regard them, unless a member rose and addressed the call to the Chair in the same manner as if he was about to address the House. That the Chairman had been treated with great indignity there was no doubt; and he hoped that gentleman would not resume the chair, nor that any other would be put in his place, until this matter was settled; for the House was under a deep obligation to protect its presiding officers.

Mr. **CALHOON**, of Kentucky, did not intend to offer any justification for his colleague; but he was convinced that, when he had time to reflect, he would make such an explanation as would be satisfactory. Mr. C. asked that this matter be postponed till Monday. He asked it not so much as a favor to his colleague as to the other members from Kentucky. He again assured the House of his conviction that on Monday his colleague would come forward with a full and frank disavowal.

Mr. **PATTON** then modified his resolution as follows:

Resolved, That a committee be appointed to take into consideration what measures ought to be taken in vindication of the authority of the House, contemned by the violation of order, reported by the chairman of the Committee of the Whole House on the state of the Union.

Mr. **PEARCE**, of Maryland, then moved his as a substitute.

Mr. **ROBERTSON** remarked that there was no difference of opinion in the House as to the violation of order on the part of the member from Kentucky; but Mr. R. appealed to the House whether it ought to be visited by its censure and punishment at this late period. He asked what member would have escaped censure, if censure had fallen upon every breach of order during the present session? It was too late in the session to commence this vindictive course towards the member from Kentucky.

Mr. **PARKER** moved to amend the resolution, by inserting the subsequent declaration of Mr. Williams, that his intention was to insult the Chairman; but the House evincing an indisposition, Mr. P. withdrew it.

The substitute of Mr. Pearce was then agreed to as an amendment, with only one dissentient voice; and the resolution, so amended, was concurred in, [only two voices cried no at first, and after a short time a third was heard,] with only three dissentient voices. It was then half past four, A. M.

The House then went again into committee, (Mr. Sutherland resuming the chair,) and, on motion of Mr. **PATTON**, immediately rose, and reported the various bills acted on to the House.

The House continued to sit till nearly 5 o'clock acting upon various bills, when it adjourned to meet again on Monday morning, at 8 o'clock.

Monday, July 4.

SUSPENSION OF THE RULES.

Mr. **MASON**, of Virginia, asked the consent of the House to offer the following resolution:

Resolved, That the 16th and 17th joint rules of the two Houses, which provide that no bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session, and which also prohibit any bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session, are hereby suspended until half past 2 o'clock of this day, so far as respects bills of the Senate now in the House of Representatives, and bills of the House of Representatives now in the Senate.

Objection being made, Mr. M. moved a suspension of the rules, and briefly explained his object to be to embrace some bills that had passed the two Houses, but had not received the signatures of the presiding officers.

Mr. **RIPLEY** asked for the yeas and nays; which were ordered.

The question being taken, the House refused to suspend—84 to 77—not two thirds.

Mr. **MASON** then moved a suspension of the rules for the purpose of offering the following:

Resolved, That the 17th joint rule of the two Houses, which declares that "no bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation on the last day of the session," be suspended until the hour of 12 o'clock this day, so far as to embrace those bills which have passed the two Houses.

Mr. **WILLIAMS**, of North Carolina, asked for the yeas and nays, for he said he did not wish to be detained there all night; which were ordered.

After various suggestions by Messrs. **VINTON**, **PATTON**, **WHITTLESEY** of Ohio, and **THOMAS**, as to certain bills being embraced within the resolution, and the mode of doing so,

Mr. **WHITTLESEY**, of Ohio, moved to except the bill to transfer certain appropriations from the Potomac bridge to other uses.

Mr. **MASON**, of Virginia, accepted the above as a modification.

Mr. **THOMAS** moved to include in the resolution a joint resolution annulling certain laws of the Legislative Council of Florida, and called for the yeas and nays on his motion; but they were not ordered.

The amendment of Mr. T. was then agreed to.

Mr. T. moved further to amend the resolution by embracing the bill to amend the judicial system of the United States.

Mr. **LYON** called for the yeas and nays; which were ordered, and were: Yeas 94, nays 61.

So the amendment was agreed to.

Mr. **CAMBRELENG** moved to include the bill to alter and amend the act imposing duties and imports. Lost.

Mr. **CAMBRELENG** then moved to include the bill supplementary to the act for the relief of the sufferers by the late fire in New York.

Mr. **WILLIAMS**, of North Carolina, called for the yeas and nays.

Mr. **MASON**, of Ohio, demanded the previous question.

Mr. **VINTON** moved to lay the whole subject on the table, and called for the yeas and nays; which were not ordered.

The motion to lay on the table was then decided in the negative: Ayes 43, noes not counted.

The previous question was then seconded: Ayes 95, noes not counted; and the main question was ordered to be put.

Mr. **ADAMS** called for a division of the question.

The **CHAIR** decided that the motion to suspend was not divisible, inasmuch as the object for which a suspension of the rules is asked must necessarily form a part of the motion.

Mr. **ADAMS** appealed from the decision of the Chair, and called for the yeas and nays on the appeal; which were not ordered.

The decision of the Chair was then affirmed without a division.

The question was then taken on the motion to suspend the rules; which was decided in the affirmative: Yeas 111, nays 53.

Mr. **JARVIS** moved to amend the resolution by including the bill for the enlistment of boys in the navy, and the bill in relation to the marine corps. Lost.

Mr. **RICE GARLAND** moved to include the bill allowing the Appalachicola Railroad Company to locate on the public lands.

Mr. **PINCKNEY** moved to amend the amendment by including the bill for the relief of Thomas Cooper. Lost.

Mr. **DUNLAP** moved to amend the amendment by including the bill to extend the time of issuing certain scrip certificates.

Mr. **GARLAND** accepted this as a modification.

Mr. **FRENCH** moved to amend the amendment by including the bill for the purchase of the Portland and Louisville canal stock. Lost.

Mr. **HARDIN** moved to lay the whole subject on the table. Lost, without a division.

Mr. **SPANGLER** moved the previous question; which was seconded: Ayes 87, noes not counted.

Mr. **BOND** called for the yeas and nays on ordering the main question; which were not ordered, and the House ordered the main question to be put.

Mr. **ADAMS** called for a division upon the original resolution and upon the amendment.

The **CHAIR** decided that the resolution was not susceptible of division.

Mr. **ADAMS** appealed from the decision of the Chair.

After a few words by Messrs. **ADAMS, PARKER,** and **HARRISON** of Missouri,

Mr. **GARLAND,** of Louisiana, moved the previous question on the appeal.

Mr. **ROBERTSON** moved to lay the whole subject on the table.

Mr. **HARLAN** called for the yeas and nays, but the House refused to order them.

The motion to lay on the table was decided in the negative, without a division.

Mr. **ADAMS** then withdrew the appeal.

Mr. **RENCHER** called for the yeas and nays on agreeing to the resolution; which were ordered.

Mr. **EVANS** renewed the appeal taken by Mr. ADAMS.

Mr. **ADAMS** called for the yeas and nays on the appeal; which were not ordered, and the decision of the Chair was affirmed without a division.

The question was then taken on agreeing to the resolution, and decided in the affirmative: Yeas 111, nays 50.

TEXAS.

Mr. **MASON,** of Virginia, from the Committee on Foreign Affairs, made a report in relation to the affairs of Texas, accompanied by the following resolutions:

"1. *Resolved,* That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information has been received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power.

"2. *Resolved,* That the House of Representatives perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas."

Mr. **ADAMS** moved to lay the report and resolutions on the table.

Mr. **PINCKNEY** called for the yeas and nays on this motion; which were ordered, and were: Yeas 40, nays 108.

So the motion to lay on the table was decided in the negative.

Mr. **PEYTON** said this was a subject upon which he had a great desire to give his views, but they all knew that it would be impossible to discuss it at this late period of the session. For the first, and probably for the last time in his life, if it was not out of order for him to do such a thing, and if it would not be considered as interfering with the prerogative of any other gentleman, he demanded the previous question upon the adoption of the resolutions.

Mr. **WILLIAMS,** of North Carolina, thought it not necessary, and he therefore begged the gentleman from Tennessee to withdraw it.

Mr. **PEYTON** refused, on the ground that there was no time to discuss the subject.

The previous question was seconded: Ayes 80, noes not counted.

Mr. **REED** called for the yeas and nays on ordering the main question; which were not ordered, and the main question was ordered to be put.

Mr. **HARDIN** called for the yeas and nays on the main question; which were ordered.

Mr. **ADAMS** called for a division of the question.

The question was taken on the first resolution, and was: Yeas 128, nays 20, as follows:

YEAS—Messrs. Ash, Bell, Bockee, Bond, Bouldin, Boyd, Bunch, Bynum, J. Calhoon, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Dunlap, Forester, French, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Granger, Griffin, Haley, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Haynes, Henderson, Hiester, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kinnard, Lane, Lawler, Lay, G. Lee, T. Lee, L. Lea, Lewis, Loyall, Lucas, Lyon, J. Mann, Martin, J. Y. Mason, W. Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Patton, F. Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Robertson, Rogers, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Thomas, J. Thomson, Toucey, Towns, Underwood, Ward, Washington, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams—128.

NAYS—Messrs. Adams, H. Allen, Bailey, Beale, Clark, Crane, Grennell, H. Hall, Hazeltine, Jarvis, Lawrence, Lincoln, Love, D. J. Pearce, Phillips, Potts, Reed, Russell, Slade, Vinton—20.

So the first resolution was adopted.

The question was then taken on the second resolution, and was: Yeas 113, nays 22, as follows:

YEAS—Messrs. Ash, Beale, Bockee, Bond, Boyd, Bunch, Bynum, J. Calhoon, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Coffee, Connor, Cushing, Cushman, Denny, Dickerson, Dunlap, Farlan, Forester, French, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Grayson, Haley, Hamer, Hardin, Harlan, A. G. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kinnard, Lane, Lawler, Lay, G. Lee, T. Lee, L. Lea, Lewis, Lucas, Lyon, J. Mann, Martin, W. Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, F. Pierce, Pettigrew, Peyton, Phelps, John Reynolds, Ripley, Robertson, Rogers, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Taliaferro, Thomas, J. Thomson, Toucey, Towns, Underwood, Ward, Washington, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams—113.

NAYS—Messrs. Adams, H. Allen, Bailey, Beaumont, Bouldin, Clark, Coles, Darlington, Grennell, H. Hall, Hazeltine, Hiester, Lawrence, Lincoln, Love, Milligan, D. J. Pearce, Phillips, Potts, Reed, Russell, Slade—22.

So the second resolution was adopted.

The joint resolution adopted this morning having been returned from the Senate with the following amendment: "Strike out all after the word 'suspended,' and insert 'so far as relates to such acts as have already passed both Houses, and have been signed by the presiding officers thereof.'"

Mr. **THOMAS** moved that the House concur.

Mr. **JARVIS** moved to except from the operation of this resolution the bill passed on Saturday night last, confirming the titles to certain land claims in the State of Missouri.

Mr. **GARLAND,** of Louisiana, demanded the previous question; which was seconded by the House: Yeas 87, nays 39.

Mr. **JARVIS** called for the yeas upon ordering the main question, but they were refused; and the main question was ordered.

Mr. **BOND** asked for the yeas and nays on the main question; but they were refused, and the amendment of the Senate was concurred in without a count.

COMPENSATION TO MESSENGERS.

Mr. HARDIN moved to take up the resolution to pay $250 extra to each of the little boys attending in the House, (in addition to their pay of $1 50 a day;) which was agreed to.

Mr. TALIAFERRO offered an amendment, to give the Post Office messengers $750 per annum.

Mr. HARDIN moved the previous question; which was seconded: Ayes 79, noes 59; and the main question was ordered, put, and agreed to.

PAY FOR BOOKS, &c.

Mr. EVANS asked the consent of the House to offer a resolution directing the Clerk of the House to pay out of the contingent fund the amount of the expenses in providing books for the new members. [The Senate had stricken out the item from the supplementary appropriation bill on Saturday last.]

Mr. CAVE JOHNSON objected.

Mr. EVANS moved a suspension of the rule. Agreed to—91 to 35.

Mr. CAVE JOHNSON hoped the House would consent to the yeas and nays, so that the country might see who it was that voted in the affirmative. He wished, also, an opportunity of recording his vote in the negative. The yeas and nays were accordingly ordered.

After some remarks by Messrs. **PATTON** and **EVANS**,

Mr. CAMBRELENG said the resolution was a blank, for there was not a dollar remaining of the contingent fund, out of which the Clerk could pay this money. He said it was extraordinary that the resolution should be introduced and advocated now, when, on Saturday night, there was not a single dissentient voice heard to concurring in the amendment of the Senate striking out this very appropriation from the bill.

The question was then taken, and decided in the negative: Yeas 56, nays 79.

So the resolution was not agreed to.

On motion of **Mr. R. M. JOHNSON**, the House took up the joint resolution from the Senate proposing the appointment of a joint committee to wait on the President of the United States with the usual message, and the committee on the part of the House was ordered to consist of two.

Mr. LEWIS moved a suspension of the rules for the purpose of offering a resolution to pay to the sergeant-at-arms, doorkeeper, assistant doorkeeper, and postmaster, $300 each for extra services during the present session. Lost, only 65 voting in the affirmative.

Mr. VINTON asked the consent of the House to submit a proposition to repeal the rule requiring a vote of two thirds to suspend rules in relation to the order of business. Lost.

Mr. CAMBRELENG moved a suspension of the rule, for the purpose of offering a resolution to pay extra to the lamplighters, &c.

Mr. LEWIS moved to amend the resolution, by adding the one he had just offered.

Mr. HARDIN briefly opposed the amendment, and it was negatived.

The House agreed to suspend the rules for the original proposition of Mr. Cambreleng—83 to 37.

On motion of **Mr. HARDIN**, all the committees of the House were discharged from the further consideration of such subjects as had been referred to them and had not been acted on.

Mr. R. M. JOHNSON, from the select joint committee appointed to wait on the President of the United States, made the usual report.

Mr. CALHOON, of Kentucky, made some explanations to the House, in behalf of his colleague [Mr. S. Williams] on the subject of the vote of censure passed upon that gentleman at the last sitting, and stated that he was authorized by his colleague to say that he intended by his course on that occasion to offer no disrespect to the House or the Chair. Mr. C. accordingly moved that the vote adopting the resolution of censure be reconsidered.

Mr. SUTHERLAND expressed his entire satisfaction at the explanation, and his wish that the occurrence should be erased from the record and the memory of the House. He professed a high regard for the gentleman from Kentucky personally, and stated that, in his own course, upon the occasion alluded to, he was governed solely by what he considered the strict rules of parliamentary propriety, without regard to the individual to which they might apply. He also stated, in justice to himself, as the chairman of the committee, that he did not hear the motion which the gentleman from Kentucky was said to have made, or he should certainly have attended to it.

Mr. S. WILLIAMS rose and informed the House that he concurred in the explanation which his colleague [Mr. Calhoon] had made in his behalf, and he wished further to state to the House what were the circumstances under which he was placed as to incur their censure. He had made a motion in the Committee of the Whole, which he had a right to make, and which the Chair did not notice; and he then rose to a point of order in reference to that neglect of the Chair. One of his colleagues, at the time, came to him, and asked him why he did not insist upon his motion.

In taking the course which he did, he was governed by no consideration except a wish to maintain his rights, as a member of that committee. He had not the slightest intention of embarrassing the business of the committee, or of offering any personal disrespect to the Chair. He was now extremely happy to learn from the honorable chairman, that he did not hear that motion, the neglect of which prompted his (Mr. W's) course; this being the case, he most cheerfully disclaimed any intention to offer the slightest disrespect to the Chair or to the House.

Mr. JARVIS remarked that the explanation by the gentleman who first spoke [Mr. Calhoon] was entirely satisfactory; but that the explanation of the gentleman from Kentucky [Mr. Williams] was too much qualified in regard to the Chair.

The question was then taken on the motion to reconsider the vote by which the resolution of censure was adopted, and there appeared: Yeas 90, nays 20—not a quorum.

Mr. WILLIAMS said he had been misunderstood by the gentleman from Maine, [Mr. Jarvis,] and added some explanatory remarks.

Mr. PARKS warmly expressed his dissatisfaction at the character of the explanation offered by the gentleman from Kentucky. It was made to depend upon the previous explanation of the gentleman from Pennsylvania, and was placed solely on that ground. He was for maintaining the rules, even against a brother or his dearest friend.

Mr. PEYTON said it was quite sufficient that the gentleman from Kentucky had concurred in the explanation offered by his colleague. The House would have no reason to demand or expect a humiliating apology.

Messrs. **MERCER** and **HUNT** took a similar view; but Messrs. **PARKER** and **LUCAS** were of a different opinion.

The question being again put, the motion to reconsider was agreed to without a count.

The resolution was then negatived.

On motion of **Mr. PARKER**, at 2 o'clock,

The House adjourned, *sine die*.

SUPPLEMENTAL SPEECHES.

In Senate, Thursday, January 12, 1836.

SURPLUS REVENUE.

The resolution offered yesterday by Mr. **Benton**, being taken up for consideration, as follows:

Resolved, That the surplus revenne of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart and applied to the general defence and permanent security of the country. That the President be requested to cause the Senate to be informed of—

1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontiers of the United States, and such points of the land frontier as may require permanent fortifications.

2d. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with side arms and pistols for their cavalry.

3d. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

4th. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union.

After Mr. **Benton** had addressed the Senate,

Mr. **WEBSTER** said, I do not propose, sir, to discuss the subject of our affairs with France, which have been alluded to by the Senator from Missouri. It is my duty, however, to take care that neither in this House, nor out of this House, should an impression exist derogatory to the character, unfavorable to the diligence, or reproachful to the patriotism of this body. I remember the progress of the bill to which the Senator has referred, and I shall at a future day detail the incidents of its history, and the true reason of its loss; and will satisfy every one that the loss of it was not attributable to this body. The means of so doing are not, at present, all in my possession; nor can they be, according to the established rules of the Senate, until after we shall have been again engaged in executive business. I shall then discharge this duty. I shall then show that neither the Senate, nor any one of its committees or officers, can be charged with the slightest dereliction of duty in regard to that bill.

Mr. **LEIGH** said he was not now going to enter upon the more interesting topics presented by the remarks of the gentleman from Missouri—those that related to prospective measures for national defence; but there were some facts belonging to the history of the propositions of measures of that kind made at the last session which were matters of publicity, and which he thought it proper to take the first opportunity of stating.

In the first place, he said, he had a distinct recollection of the report made by the Committee on Military Affairs, mentioned by the gentleman from Missouri, which, it appeared by the journal, was made on the 18th of February, 1835; but he had no recollection that that report, and the resolution therein recommended, were ever called up for consideration, and he was at a loss to understand how or when that proposition was rejected by the Senate, as he understood the gentleman to say it was, unless it was incorporated in the general bill for appropritions for fortifications, which was lost in consequence of the difference between the two Houses, in respect to that bill, on the last night of the last session.

[Mr. **Benton** was understood to say he believed he had himself withdrawn the proposition.]

Mr. **Leigh** said that his attention was early attracted to the whole subject, and most anxiously directed to it, because the aspect of our affairs with France had struck him, from the first, as very serious, and because he had expected some recommendation, not from any individual or from any committee of the Senate or of the other House, but from the President himself, to strengthen the arm of national defence, as a precautionary measure against possible, and, as he supposed, probable contingencies. Such were his sentiments on the subject, that when the appropriation bills for the army, for the navy, and for fortifications, were first sent to the Senate from the other House, he went to the Secretary's table to examine the bills, in order to see whether any provisions were made or proposed, founded on or plainly referrible to an apprehension of serious collision with France suited to such a contingency, and calculated to put the nation in a state of security and defence. He found nothing of the kind in any of those bills; and he took upon himself to say that there was nothing that had respect to any possible interruption of our pacific relations with France or any other nation. He said that he himself had thought, and had said, as those with whom he was in the habit of familiar intercourse might perhaps remember, that some extraordinary appropriations were proper; and he was ready to vote for such appropriations, though in respect to the amount he had formed no opinion, having, in truth, no data on which he could form an opinion.

The general appropriation bills sent from the House of Representatives to the Senate, were, of course, immediately referred to our Committee on Finance. Such appropriation bills, he had remarked, generally came from the House in an imperfect form; that is, it generally occurred that some alterations, most usually additions, were required and proposed, in consequence of suggestions made by the several Departments to the committee of the Senate, or by the members of the Senate themselves. The particular bill of appropriations for fortifications being referred to the Committee on Finance of the Senate, they reported it, with several amendments; they did not, according to his memory, propose to abate a single dollar from any appropriation provided in the bill from the House for any one object; they did not propose to dispense with appropriations for any one object. The amendments they proposed consisted (chiefly, if not entirely,) in proposing increased appropriations for objects provided for in the bill of the House, and in appropriations for new objects. He supposed, at the time, and he still believed, that these increased and additional appropriations were, for the most part, settled by the committee, upon consultation and conference with the executive department; but on that head he knew nothing. He referred to the chairman of the committee, [MR. WEBSTER,] who was able to correct him if he had fallen into any misapprehension in this respect. At present, he had only to state, positively, upon the authority of the journal of the Senate, that this bill of appropriations for fortifications was reported to the Senate by the Committee on Finance, and passed, with the amendments proposed and agreed to, as early as the 24th February. From that day, the bill remained in the House of Representatives until the 3d of March, without any action on it there; without any notice of it, at least in any way communicated or known to the Senate; and without the least apprehension (he believed) on the part of any member of the Senate, that any thing at all new or important was intended to be proposed.

The Senate commenced its evening session on the 3d of March (as it appeared by the journal) at five o'clock. The other House had had this important bill in its possession from the 24th of February; and it was not until after five o'clock of the last day of the session that it was returned to the Senate, with the following memorable amendment, (among others,) proposed as an amendment to one of our amendments:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy; provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of the Senate."

The bill, with the amendments proposed by the other House, was promptly, Mr. L. believed instantaneously, taken up. Upon this particular amendment a short but very animated debate ensued. The opposition to it was founded, principally, on constitutional grounds. It was objected that it was, in fact, a general vote of money to the Executive for the defence of the nation, to be used at his absolute, unlimited discretion; that the proposed appropriation was not sufficiently specific; that the amendment would place this large sum of money in the President's hands, with power to apply every dollar of it to whatever arm of the national defence he thought proper, and to judge when defence would be proper; in other words, to determine the question of war or peace. The objection was not so much to the amount, though no estimates had been laid before us, and we had no data on which we could judge of the reasonableness of the appropriation. Nor was the objection rested on any distrust of the Executive in the exercise of such a discretion: the objections chiefly relied on would equally have applied to such a vote of money to any Chief Magistrate whatever.

On the strength of these objections, the Senate disagreed to the amendment. The bill was returned to the other House, which insisted on the amendment, and very quickly sent the bill back to us. We then adhered to our disagreement. And upon this the House asked a conference, which was agreed to.

By this time (Mr. LEIGH said) it had been intimated to him that an idea was entertained that the session would necessarily terminate at twelve o'clock; and thus his attention was called to the time at which the committee of conference on the part of the Senate left the chamber; it was, by his watch, not the clock, about fifteen minutes before eleven; and the committee returned to the Senate between fifteen and twenty minutes after eleven. There was, therefore, ample time (if his watch had not deceived him) to have acted on the report of the committe of conference, even supposing the session necessarily terminated at midnight.

The committees agreed in the conference that there should be additional appropriations, in specific terms, of $500,000 for the naval service, and $300,000 for fortifications. The Senate was informed of this agreement between the committees: but as the bill was in possession of the other House, we could not act on the report of our committee; and, though the House had asked this conference, we heard nothing further from them on the subject. We waited for a long time, some hours, with patience; and then sent a message to the House, reminding them of the conference; no answer came. It became at last apparent that the House intended to do no other business; at least, none in co-operation with us; and, therefore, the Senate adjourned.

Mr. LEIGH said he had thought it proper to give this history of the facts, according to his recollection of them; he believed it was correct and accurate. It was not his purpose, at present, to make any commentary on them, or to deduce any inferences from them. Why or how it happened that the result of the conference was not reported to the House of Representatives—why or how that House was induced to suffer a bill of that importance to be lost by its own inaction, Mr. LEIGH said he did not pretend to know; he had heard something, and he had his suspicions or conjectures: but it was not proper or decent, it would be disorderly, to say what he suspected.

Mr. PRESTON. The gentleman from Virginia, who has just addressed the Senate, has given us a clear, and, I believe, a correct statement of the proceedings of the last session in reference to the appropriation bills; but, sir, I do not feel myself called upon to explain the vote which I then gave. It wants no apology—it was given because the appropriation of three millions, proposed to be placed within the control of the Executive, was unauthorized, unconstitutional, and dangerous. Sir, if, instead of the vague and indefinite rumors of war which have been alluded to, the war had actually come, and our seaboard had been ravaged, I should not repent of my vote. The responsibility would have been, where it now is, upon the Executive, who shrunk from his duty in calling upon Congress for appropriations which were necessary, and specifying their application. What was that most extraordinary transaction? At the end of the last session, when the table was loaded with unfinished business; when every thing was crowded upon us; at midnight of the last night, that appropriation sprung upon us, no one knew whence or by whom. Sir, at no time, much less at such a time, are we called upon for legislation of this kind, without receiving from the heads of Departments all the information which it may be in their power to afford. They are bound to assume the responsibility of such measures—a responsibility which I was not then, and am not now, disposed to release them from.

The Senator from Missouri, sir, has submitted a resolution authorizing the application of the public money to purposes of general security and defence. He asks for the appropriation of the twenty-five or thirty millions of money, to be applied to objects which are not specifically indicated; and he requires it, too, at the very time when two important measures, that of the Senator from Kentucky, and that of my colleague, are already before us. Without, as the gentleman says, any immediate or pressing occasion, he has brought forward a resolution making the largest appropriation ever asked for at any one time, either in peace or war, and then, by a strangely inverted order, a resolution asking how much is required. He demands that the thirty millions be given, and then institutes an inquiry whether it be wanted. If the Executive says five millions are sufficient, what becomes of the residue? In order of time, the resolution of inquiry should be acted on first. If we make the appropriation, the inquiry is useless; if we make the inquiry, the appropriation is out of time.

The gentleman proposes a heavy appropriation for the purpose of putting the United States in a situation of security and defence suitable to her wealth, population, and magnitude. He thinks it desirable that the nakedness of the land should be clothed; and, sir, I heartily concur with him. I am willing to make any necessary appropriation. But, while the Senator from Missouri says that this resolution is general and permanent in its character; that it is unconnected with any object of a mere temporary nature, he has, at the same time, in a very pointed and emphatic manner, directed his remarks to the peculiar situation in which we stand with the French nation. He asks for what purpose this fleet of observation has visited our seaboard? What fleet, sir? Has France fitted out a hostile armament, and are the winds speeding them hither? How does the Senator know what we do not know? Why is this Senate permitted to slumber in ignorance? Why are we annoyed with gloomy, indistinct rumors of menace or danger? Why, if there is danger, are not we informed? Why does not the Executive give us the facts? It is his official duty to know, and, knowing, why do we receive from the gentleman from Missouri what should be told us by the President himself? Sir, I imagine our ancient ally, who has stood with us in many a battle-field, shoulder to shoulder, does not doubt our courage. I am inclined to think that her Monarch himself, who has been among us, entertains no unkind feelings towards this country, and would not readily fall into the error of supposing that the appearance of a French fleet on our coast can overawe the deliberations of this Senate; but that, on the contrary, both he and his ministry would be aware that any hostile or threatening movement would serve but to rouse the indignation of the country, and to increase those difficulties in the way of an adjustment which they throughout have manifested the utmost anxiety to overcome. I do not know that such a fleet is coming; but, if it is, I can conceive a reason why it should come, and that, too, consistent with dispositions the most entirely pacific.

It will be remembered, sir, that our diplomatic agent at the French court was ordered to demand the money or his passports. His passports were demanded, and contemporaneously with that the fleet alluded to by the Senator sailed, it is said, in the direction of the French West Indies. Now, sir, during our quarrel with Great Britain, when our statute book for many years was bristled all over with warlike enactments, and a state of quasi war actually existed, no step so decisive as the withdrawal of diplomatic agents was resorted to until all hope of accommodation was lost. It is most decisive, sir. It cuts off all intercourse with the French Government. The Executive of the United States had recommended in his message of the last session reprisals upon French commerce, provided France did not pay the first instalment. France refused; our diplomatic agent was recalled; the French Government was thrown back upon her former position; and, sir, without intending to threaten or insult, a French fleet might have been deemed necessary here, for the protection of French commerce. If such a threat had been made by the French King, to be executed upon a similar contingency, and, upon the happening of it, our Executive had failed to take measures for the protection of our commerce on the coast of Europe, he would have failed in the most obvious point of duty and policy; and if the French King had said that he would submit to the Chambers a proposition of reprisals upon our commerce, with what face could they complain that we were taking care of that commerce, while such a measure was under discussion?

What the effect of the appearance of that fleet here may be, is another question. We undoubtedly should be prepared for any contingency; and whatever the President sees fit to ask for this purpose, will certainly receive the most deliberate consideration of this body; but, sir, he has not suggested the expediency of any appropriation whatever; he, the commander-in-chief of the army and navy, has asked in reference to this fleet, or to our French relations, neither men nor money. He, whose duty it is to inform us of the state of the Union, and recommend such measures as he may judge necessary and expedient, has made no recommendation, nor sent us any information. It does not belong to the gentleman from Missouri, nor any other member, to supersede him in these high functions.

At the opening of this session we had, in the annual message from the Executive, a detailed accouut of our relations with France, and were put, as we supposed, into possession of all the facts; has any thing extraordinary in its character happened since? Is there any farther intelligence? If so, sir, why does not the President transmit it here? Why leave us in darkness and uncertainty, to be worked upon by passion, to be excited by rumor, to legislate by guess, or, if we refuse to do so, to be denounced for our hesitation? That it may be said hereafter that the Senate has not done its duty, when, in truth, the Executive has failed to perform his. Let him take the responsibility; it is the first he ever shrunk from.

Passing over the several bills of indictment which the Senator from Missouri has found against this Senate, I must be permitted to congratulate this body upon one remark that has fallen from the honorable gentleman. He says that the clouds which are lowering in the horizon will soon be dissipated; that our fears will soon be silenced; that there will be no French war! Sir, I never supposed that there would be. I never supposed that these two great countries would expend their blood and treasure about a point of honor which it might well become two duellists to stand upon. In my opinion, the last message of the President ought to be satisfactory to France, and I believe it will be so considered by the French ministry, if no new cause of irritation intervenes. I think so, because, throughout this controversy, the French King and ministry have manifested a pervading and earnest desire to adjust the difficulties between the two nations; and this, too, while the negotiations, on our part, have occasionally approached, at Paris, a tone of angry urgency, and here of personal petulancy, which in my judgment does not properly belong to the conduct of such affairs. Be this as it may, the controversy is now narrowed down to so minute a point, that I do believe it is impossible for two nations, in a civilized age, to go to war about it. Certain it is that France will not commence hostile aggression. Her position in the controversy is purely defensive. She does not propose to compel any thing from this Government, unless by a negative proceeding—by withholding the money. We are the plaintiffs, and can select the time and manner of enforcing our rights. We are in no danger until we make it. If the interest or honor of this country require us to seek that danger, let the President inform us of the facts which involve our interest and honor.

It is not proper in itself, it does not comport with our dignity, to fashion our proceedings upon the idle gossip of the newspapers, or a *refuziamento* of them served up here. Our minister in France thought it not unbecoming his station to take his cue from the Globe newspaper. I hope the Senate will not follow the example, that it will not take either that print or the "Constitutionnel," instead of a message from the President of the United States, or the King of the French. It is forgetting the whole character of the discussions; it is idle, it is worse than idle, to intimate that France, in the present position of things, can possibly commit an act of aggression. She will not, she cannot. No gentleman on this floor will venture to say plainly that he thinks so. It was but fair and candid in the gentleman from Missouri to say that there will be no war. No, sir, there will be no French war; none, unless perchance it may be intended to raise a war spirit with France, for the purpose of a war against this Senate—unless it may be intended to get up a war spirit, for the purpose of covering the surplus, or throwing its expenditure into the hands of the Executive. If such a game as this is to be played on the verge of a war, we may fall in. If we do, sir, the responsibility is a fearful one upon those who made such a stake upon the issue of such a game; but I hope for better things; I hope that the honor of the nation will be left untarnished, that its peace will be uninterrupted, and that the Senate will maintain its high and salutary control.

Mr. BENTON bore testimony to the zeal displayed by the Military Committee, who not only agreed at once to bring forward the proposition, but to sanction any other proposition which he might deem it necessary to report. [He here read the last paragraph of the report of the committee.]

With respect to his resolution, it contained no appropriation. The terms were general, and only declared the sense of the Senate on a subject which was admitted into the action of the Government forty years ago, when Congress applied all the surplus revenue to the extinction of the public debt. The commencement of his resolution was similar in principle, and there was not an appropriation of a dollar. He had got up merely that he might bear testimony to the industry of the Military Committee, and to say that there was no appropriation. He wished to make an issue between those who would appropriate the surplus revenue for the defence of the country, and those who would make an indiscriminate distribution of it among the States. If gentlemen wished to know his authority for what he had said, it was the Constitutionnel, a semi-official newspaper in Paris. He had nothing to say on the subject of that committee on conference, as he was not one of that committee. He took his stand on a position which was obvious to the whole American people, when he referred to what Senators said on this floor, and afterwards sent out to the world in their printed speeches, on the subject of their opposition to these appropriations. He took his stand on the broad ground of these speeches.

Mr. CLAYTON said that the Senate and the country would perceive from the remarks of those who had already participated in the debate, and particularly from those of the gentleman from Virginia, [Mr. LEIGH,] how far the member from Missouri had succeeded in his accusations against those who, at the last hour of the last day of the 23d Congress, refused to vote for an appropriation of three millions of dollars, without specification of objects. He held it entirely unnecessary, for the full and perfect vindication of himself and those who acted with him on that occasion, to enter into any further detail of the acts and doings of that memorable night, although he believed that a full development of all that occurred out of this chamber at that time would still further expose the utter want of foundation for the charge that the fortification bill fell by the fault of the Senate, or that there was among its members a neglect of duty in endeavoring to provide for the defence of the country. But his object in now rising was to reply to that remark of the member from Missouri, pronounced with so much emphasis, that the people were yet to be made acquainted with other proofs of our disposition at that session to refuse to provide for the defence of the country. These proofs he proceeded to state. They consisted of the report of the Committee on Military Affairs, made at an early day during the last session, recommending a very great addition to the sums proposed to be appropriated for national defence, in the fortification bill, which came here from the other House, and, among others, a specific appropriation of half a million of dollars, to be applied to arming and completing the fortifications of the United States; and then the gentleman informed us that, after he had moved to insert this large appropriation in the fortification bill, which the committee had proposed as being in connexion with other amendments, also increasing the appropriations proposed by the other House, adequate to the purposes of defence at the time, his motion failed. We are thus shown, sir, by this statement, to have refused to vote for a specific appropriation of five hundred thousand dollars for defence. Now, sir, in my defence, and to put down, now and forever, all imputations or insinuations that I have ever refused to grant specific appropriations for the defence of the country, I beg leave to submit a brief statement of the facts connected with this subject, which will be confirmed by every member of the Committee on Military Affairs, and by all who have any recollection of the events to which I refer.

Sir, after all that has been said here, you will be surprised to learn now that I was the very member of the Committee on Military Affairs who moved the instruction to the honorable member from Missouri, as chairman of that committee, directing him to make the motion upon which he has plumed himself, and for the failure of which he has this day arraigned us all before the American people; that I voted for and supported the motion here, as well as in the committee, and that the motion fell, not because the Senate was opposed to the object of it, but because the Committee on Finance informed us at the moment that they had the subject under consideration, and intended to propose a substitute for it, which we know they afterwards did propose. Yes, sir, the members of the Committee on Military Affairs will bear me witness that I was the first man who proposed, in either House of Congress, at the last session, to increase the means of our defence, in consequence of the indications of a possible rupture with another country; and that I went in advance of every department of the Government in making this identical proposition: the purport of which was, that, after granting ample appropriations for every fortification which was named in the bill, five hundred thousand dollars should be placed at the disposal of the Executive, to be applied to constructing, arming, and completing any other fortifications which, in his judgment, might require it. Recollect, sir, that, at the time I moved this instruction, no department of this Government had moved in the matter to anticipate or give direction to my action; and, let me add, that I moved it without preconcert with any man, or set of men, either in or out of Congress. I acted solely on my own responsibility, independent of all party considerations. I thought I saw that a crisis was approaching in the affairs of our country which required me to move without prompting, and I waited for no man's lead to induce me to use my humble efforts to arm and protect that country, without caring from what quarter or from what cause the necessity for that protection had arisen or might arise. Sir, I moved that part of the instructions also under which the chairman proposed to double the amount of the appropriation proposed by the other House, for the purpose of rebuilding Fort Delaware. This amendment was adopted after a protracted debate, in which I took a part, supporting the amendment according to the best of my humble ability, here on the floor of the Senate. The honorable gentleman from Alabama, who was in the chair at the time, will tell you, sir, that such was the fact; and he will remember, as will others here, that, after the adoption of the motion to grant $150,000, instead of $75,000, for rebuilding Fort Delaware, the Senate did, at a very late hour of the day, and when many members were out of their places, proceed to consider the chairman's motion, then made in obedience to his instructions, to grant $500,000 for arming and completing the fortifications of the nation in general. The reason for its failure at the time I have already mentioned, was not a party reason, nor was there any party vote upon the proposition. It had my vote, and the votes of some others with whom I usually act here; but the measure was not pressed by the chairman, who contented himself with simply making the motion, not apprehending that his duty required of him any labored argument to support the proposition.

Then, sir, with this matter in evidence, how stand I on the Senator's arraignment before the country? So far from lagging in the discharge of my duty, I have led him in the path of it, and directed his course. I have gone in advance of the Department of War, and of every branch of the Executive. Yes, sir, and of every other man in both Houses of Congress. I have submitted during the past year in silence to those reproaches which have charged me, and those who voted with me on this fortification bill, with a want of patriotism, because, forsooth, we would not agree to vote a general appropriation of three millions of dollars, without any limitation, restriction, or specification as to the objects to which it should be applied, and in direct opposition to the whole practice of the Government for nearly forty years, as well as the plainest principles of the constitution. But, sir, if I have heretofore submitted to such reproaches in silence, knowing how unmerited they were, I have nevertheless felt their injustice, and felt it deeply, too, and I now avail myself of this the very first opportunity which has been offered me on this floor to repel the charge, and denounce and expose it to the American people as being utterly destitute of foundation.

Suffer me to say, sir, briefly, in conclusion, that I stand prepared now, as I have been heretofore, and shall be hereafter, to go as far as he who shall dare go farthest, in providing, on all occasions, for the necessary defence of the country. And whether my conduct shall be rewarded by calumny or approbation, nothing shall prevent me, while I hold a seat here, from discharging with the fidelity which becomes an American Senator, my duty to guard and protect the country from the danger of foreign aggression, no matter by what party it shall be provoked, or from what cause it may originate. On all such questions, I have known, and will know, no party, and I will have no reference in my action upon any of them but to the honor, the safety, and the welfare of the nation.

Mr. BENTON rose, and read a passage from the journal, showing that he moved the proposition appropriating half a million of dollars as an amendment to the fortification bill at the last session, which was negatived.

Mr. CLAYTON said he had already stated these facts, now confirmed by the journal, precisely as they existed. I admit that the chairman did his duty in obeying the instructions of the Committee on Military Affairs, by making the motion he had read. But, sir, I was the man who moved the instructions under which he acted, and who first suggested the measure.

To this Mr. BENTON assented.

When Mr. CLAYTON concluded, the Senate adjourned, without concluding the discussion.

IN SENATE, FEBRUARY 26.

CUMBERLAND ROAD.

The bill making an appropriation for the completion of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri, being under consideration—

After Mr. HENDRICKS had taken his seat,

Mr. BUCHANAN said, he had often travelled upon the Cumberland road before. It had been a standing subject before Congress ever since he had been first a member of the other House. He was, therefore, always ready to act upon it. He would vote for the appropriation proposed by this bill. He did not think the friends of the bill should consent to lay it upon the table at the request of the Senator from Kentucky, [Mr. CRITTENDEN,] in the hope that further reflection might induce him to change his opinion. His remarks had induced Mr. B. to believe that the prospect of such a change was but faint.

In one respect, said Mr. B., I am happy to concur in opinion with that gentleman. I admit that we are not bound by the compacts with the States of Ohio, Indiana, and Illinois, to appropriate this money. It cannot be demanded from us as a matter of contract. The two per cent. fund, arising out of the sales of the public lands, in these States, has long since been expended. It is now millions in the arrear, more than it will ever pay. The Senator from Indiana [Mr. HENDRICKS] estimates that this fund will eventually yield upwards of seven millions of dollars. This may possibly be so, though I very much doubt it. At all events, it is a prospective contingent calculation; and the money to make the road is required immediately. I am disposed to grant it; but not because the compact imposes any such obligation upon me. I wish to be distinctly understood upon this point.

Why, then, shall I vote for this appropriation? Simply because it has long been the established policy of Congress to construct this road as far west as the Mississippi. We have acted upon this principle steadily for many years. Shall we now arrest the progress of this road, and abandon the policy which we have so often sanctioned? Is there a single Senator within the sound of my voice who believes seriously that this will be done? No, sir. The road must be completed. It will be completed; and the only question which can arise is, as to the amount which we ought to appropriate for the present year. On this branch of the subject I shall say a few words. We have been informed by the chairman of the Committee on Roads and Canals [Mr. HENDRICKS] that the sums appropriated by the bill have been asked for by our engineers in their estimates, and that they believe this amount of money can be judiciously expended upon the road during the present year.

[Here Mr. HENDRICKS observed that the sums in the bill were the minimum of what the engineers required.]

Then, (said Mr. B.,) what can be the objection to this appropriation? If the road must be made—will be made—why not pass this bill? Is not the Treasury overflowing? Is there any necessity for limiting the expenditure, during the present year, below the sum which can be judiciously applied? Besides, if you grant the engineers what they required, and hold them to a strict responsibility for its expenditure, they can never excuse themselves hereafter by alleging that the expense has been increased by your refusal to give them the sum necessary to prosecute the work in the best and most economical manner. You do not interfere with their plan of operations. For my own part, I do not profess to be a judge of the sum which can be properly expended; and as there is no want of money in the Treasury, I am disposed to complete the work as rapidly as it can be done consistently with the permanent and proper construction of the road.

The Senators from Kentucky complain that whilst the new Northwestern States have received large sums from the public Treasury for the construction of their roads, their State has been entirely neglected. Does it stand alone in this particular? Might I not, with equal justice, complain of the same neglect towards Pennsylvania? I feel proud to say that she has almost completed her vast system of internal improvements without having received one dollar from the national Treasury. It is true she is in debt more than twenty millions; but the income which she will derive from those very improvements will, ere long, prevent this debt from being a burden upon her people. I would advise Kentucky to do likewise. We can now afford her important aid in such a great undertaking, if she will accept it. She can have the benefit of all our experience. The agents who have been employed upon our public works—men faithful, competent, and experienced—have been or will be swept away with the besom of reform. Not one will be left. Of this, however, I do not complain. I should be glad if Kentucky would be benefited by it. We can afford her men who will conduct the public improvements which she is about to undertake, with integrity, economy, and skill.

In reference to the veto upon the Maysville road, which has been introduced into this debate, I shall make a few remarks. I voted for that bill, and whatever I may have thought, at the time, of the veto on that particular road, I am convinced that the principles which were asserted in it have been of great service to the country.

If we had pursued the system of appropriating money for the construction of roads and canals all over the Union, the attention of Congress would thus have been diverted from the great objects intrusted to our care by the constitution. Our time would have been almost exclusively occupied in this business. Besides, although each member might have prescribed it as a rule for himself to grant no appropriations except to national objects, yet when a road or canal was proposed, affecting nearly the interest of his own constituents, he would have been ingenious in satisfying himself that it was of general importance. Such is the nature of man. Each member would have had to decide this question for himself, and each decision would have been a precedent, upon the strength of which we might go a little farther. The natural tendency of the system was to proceed to such an extent that, instead of legislating for the great interests of the Union, the chief objects of our pursuit would have been to obtain money from the Treasury to be expended on roads and canals for the benefit of our constituents.

Notwithstanding all the knowledge and all the ability which are centered in Congress, in my humble opinion, we would constitute a very inefficient and injudicious board of internal improvements. I am glad this system has been checked. I think it the very worst mode which we could adopt of expending the surplus in the Treasury. I should greatly prefer any other which has been proposed.

Mr. B. said he had been in Kentucky when he was very young; and he yet retained and ever should retain a lively and grateful impression of that visit. He had then formed a most favorable opinion of the State and of its population. But he must also say that he never should forget their roads. He was glad to learn that the road between Lexington and Maysville had been turnpiked. It needed it much. He would venture to say, that, before this turnpike was made, all the horses which could have been attached to any vehicle of sufficient dimensions to accommodate Orozimbo, would not have drawn him, in the spring season of the year, from Maysville to Ashland.

Mr. NILES said he had made several unsuccessful attempts to get the floor, but did not intend to detain the Senate, as it was not his purpose to enter into a general discussion of this bill, or of the particular motion before the Senate. This was a Western interest, and, in his opinion, especially a local one; yet it was called a great national work, and, perhaps, in one view of the subject, it might be so considered. Coming from a different quarter, it could not be supposed that he felt any special interest in the bill; yet having never before had the honor of a seat in Congress, this was the first time he had been called on to act in relation to the Cumberland road; and, considering that it had been an old and constant claimant, having been for more than thirty years before Congress, he was perhaps called on to pay his respects to it. This road appears to have been a particular favorite of this Government, and, like other favorites, to have been a large sharer in the public bounty. His object was to notice some of the suggestions of the honorable Senators from Kentucky, [Mr. CLAY and Mr. CRITTENDEN,] rather than either to oppose or advocate the bill, in the fate of which he felt no particular solicitude. He could not subscribe to the correctness of the positions which the Senator from Kentucky, who first spoke, [Mr. CLAY,] had assumed, and in which he seemed disposed to place others.

He did not understand the position which the gentlemen from Kentucky have assumed in relation to this bill. In saying this, he had no intention of charging them with a want of clearness or force in their remarks—far from it; but there appeared to be something in reserve; some object which lay beyond this bill, and which they seemed disposed to advance indirectly, by their course in relation to this subject. Are the gentlemen opposed to the bill, or in favor of it? In either case, he thought he should understand them.

He understood perfectly well the position of the two honorable Senators from Indiana, [Mr. HENDRICKS and Mr. TIPTON;] their object is to get through this road; to have it made at the expense of the Government, and as soon as possible; and, consequently, they wish to obtain as large appropriations as they can. He did not complain of this; it was a course perfectly natural, and consistent with the relation in which they stood to the subject. But the Senators from Kentucky appear to occupy a more uncertain and equivocal relation to this bill. At one time, it would seem as if the only question was, whether this road was to be constructed on one side or the other side of the Ohio river. If this is the main question, it is one in which the members of this body generally will probably feel but little interest.

The Senator from Kentucky, who first spoke, [Mr. CLAY,] informed us of his early friendship for this great work; of the constant support he has afforded it. He might have said powerful support; but he seems now to intimate a reluctance to sustain it, because the system of internal improvement, of which he says this road was a part, is suspended. Mark that word, sir; the gentleman says this is suspended; but I will take the liberty to use a more definite term, and inform the gentleman that I think this favorite system of his is ended; that it is overthrown, not only by the act of the Executive, but by public opinion, and that it is ended now, henceforth, and forever. He says the veto of the bill for the Maysville and Louisville road had destroyed the system, and that those who sustained the administration who had put down the system, could hardly expect the support of those who are friendly to it. But whilst he still professes to be friendly to the object of this bill, he insists on placing it on a ground which, he must know, would be fatal to it, not only in another quarter, but in Congress. He says the Cumberland road cannot be distinguished from any other work of internal improvement, and that it can rest on no other foundation than the existence of a power in this Government to construct roads. Sir, if this bill can stand on no other foundation than this, it cannot stand at all—it cannot be sustained—it must fall to the ground.

I had supposed that the compacts with the new States, by which five per cent. on the amount of lands sold in such States was reserved, two per cent. for roads leading to those States, and three per cent. for making roads in such States, amounted to something—that it was entitled to some consideration as distinguishing this from other roads, notwithstanding this fund and much more has already been expended. But this road owes its origin to those compacts—it was undertaken in pursuance of them; and, having been begun, has been continued, and a sum expended greatly exceeding the five per cent. on the sales of the public lands. I do not say that these compacts were wise, but I regard them as unwise and unfortunate, by involving this Government in a business which did not belong to it, and in regard to which its constitutional power is very doubtful. I regard these compacts as still in force, because the five per cent. on all the lands to be sold within those States is to go into our Treasury. I regret that these compacts were entered into; but having been made, and the Government having undertaken this work—having persevered in it for more than thirty years—it having received the sanction of every administration, from that of Mr. Jefferson to the present, and of every department of the Government—it becomes a grave question, whether we can stop short and now abandon it; whether, after all that has been done, after the long course of action on this subject for more than thirty years, the nation is not in some sense committed—is not in some way pledged to complete this road? If it is; if this Government has yet to build this road to the Mississippi, as the gentleman from Kentucky seems to admit, it is not perhaps very material whether the appropriations are made in one year or in many years, if we have the money to spare. This becomes only a question as to time and convenience, and a wise economy in the expenditure of the money. If we have yet to make this road, having now a large surplus, (which is so alarming to some gentlemen,) we may perhaps as well appropriate what can be profitably and advantageously expended. The sooner we are done with this road the better; it is time this Government was clear of it.

But the honorable Senator from Kentucky appears to have another object in view; to revive his favorite system in another form, by the distribution of the proceeds of the public lands. Sir, it is not surprising that that gentleman should feel sensibly and deeply the loss of that system—a system of which, and I presume correctly, he has been called the father. No doubt it was a fond child of his; one which he cherished with parental solicitude during its brief and troubled existence; one on which he relied, and from which he expected much. And since it has been taken from him, it doubtless appears more interesting. It is a principle of our nature, that when objects dear to us are lost, they appear more lovely than when we possessed them, and our affections are revived with more vividness and force. I have myself had the melancholy experience of the truth of this principle.

The regrets of the honorable Senator over his fallen system are perfectly natural; I am not surprised at them; but I think they will be unavailing; I trust that system is something more than suspended; it is, I hope, ended, and never more to be revived, either in its original shape or in a new form or disguise. I hope never to see the day when there will be such an enlargement and extension of the powers and patronage of this Government, as that system is calculated to bring with it. Sir, the accumulation of power here, in this central, this engrossing, ingulfing Government, is sufficiently rapid and alarming, without giving any new impetus to its natural tendencies.

The honorable Senator has informed us that he wishes to see the blessings of this Government reach the whole Union, and spread over the whole and every part with an even hand. But what does he regard as the blessings of this Government? Is it the extension of its agency in the construction of roads and canals within the States? Is it the distribution among them of large sums of money for these objects? Sir, I hope never to see the day when the States of this Union shall be encouraged and induced to look up to this central power for money, whether to make their roads and canals, or any other object. I hope the day will never arrive, when the sovereign States shall be reduced to a dependence on this Government; when they shall become its pensioners, as are now the surviving remnants of the glorious army of the Revolution. If these are the blessings the gentleman alludes to, I hope we may be long saved from them. Sooner than vote for such a system, I would see this arm fall from its socket. Would the gentleman have this Government like that of France, where forty millions are expended annually by the Executive on the public roads, and an immense patronage attending it? If the States are taught to look to this Government for means to construct roads, and to carry on their works of internal improvement, they will soon look here for means for other objects—for the erection of their public buildings, for education, and even for their ordinary current expenses. Should such a system be established—a system of degradation and dependence on the part of the States; of a vast accumulation of power, patronage, and influence, on the part of this Government; it would work a revolution in the system. I should despair of long preserving our liberties; they would at once lose their freshness; a blight would come over them, and decay, rapid decay, would follow. Sir, the disbursement of the public treasure is the essential element of Government patronage, and the extent of the one depends on the amount of the other; neither is it very material how this money is paid out, whether to public officers, to agents, or contractors, or distributed among the States.

The swelling flood which is now flowing into your Treasury, according to the gentleman from South Carolina, [Mr. PRESTON,] and which he so eloquently described the other day, would all be wanted to keep up a system like this, and would all go to extend the patronage of this Government.

Sir, the real blessings of this Government are diffused over the whole Union; they are diffused equally in every State, and among the whole people. All participate in them, and all share alike. These blessings are the moral power and influence of this Government; the protection and security which it affords to all; the consciousness of this security, and the peace and happiness which flow from it. This is the great and primary end of all civil institutions. It is the great moral agency of this Government, and its influence on public sentiment at home and abroad, which preserves peace among the States, and security against foreign Powers. We have recently experienced the importance of this security, whilst the danger of a rupture with a great nation impended over us. Had it not been for this system, what would have been the situation of the States? Would they have been able to have afforded protection, and would the people have felt that security and composure which they did? These blessings are not the less to be prized because the power from whence they flow is in a great measure unseen and unfelt. If the action of this Government was confined to its proper limits, it would be scarcely seen or felt by the people. Your tax-gatherers do not go among them; they seldom see your marshals or executive officers. This Government acts on the great body of the people only by its moral power and influence, and the blessings which it confers may almost be compared to those dispensed by Divine Providence: we enjoy, we realize them; we feel their influence, but hardly know the source of the power whence they flow; it is far removed, invisible, and felt only in the blessings it diffuses over the Union.

Mr. BENTON said the Government had been about thirty years—the life of a generation—engaged in this road, and still it had not reached the Mississippi. Some of the superintendents, by the smallness of the sums which they had applied for, had seemed to consider their occupation as a life estate, which it would be a pity to abridge. He had often, and years ago, spoken to the chairman of the Committee on Roads and Canals [Mr. **HENDRICKS**] to have these appropriations increased, and the work carried forward more rapidly, as the same superintendent could overlook large portions of the work; and now that large appropriations were actually asked for, a motion was made to reduce them; a motion which Mr. B. hoped would not prevail. He wished all the public works, which were overlooked by superintendents at salaries, to go forward more rapidly; the public interest would be benefited by it, though the private interests of some of the superintendents might not. Long and slow jobs might suit them, as a long and moderate war is supposed to have been the toast, and to have suited the interests of a certain army chaplain during the Revolution: a long war, that he might have his salary continued; and moderate, that too many men should not be killed for his remaining in office. But quick work does best for the country; and now that a good appropriation was asked for, he trusted it would be granted.

Mr. B. said, this road rested on compact, and had received the sanction of every President, from Mr. Jefferson to General Jackson; it had also been supported by every majorty that had ever prevailed in either House of Congress; and, therefore, should not be opposed now. It needed bridges, especially over the Wabash, and he hoped they would not be denied. The same road, on this side of the Ohio, had many noble bridges erected on it, of which he would mention the one on the Yohogany, in the State of Pennsylvania; and he should be in favor of treating both ends of the road alike.

It had been objected that the country between the Great Wabash and the Mississippi was destitute of stone, and would not furnish material for covering the road. On this point, he had some information, as well as some personal knowledge. The general character of the country was that of scarcity of stone quarries; but he had been informed by Colonel McRee, one of the commissioners for reconnoitering the country for its location, that gravel pits abounded, which would furnish a flint gravel, well adapted to the cover of the road; and he had seen these pits near Vincennes, in the famous swamp called Purgatory, through which General Clark's men marched to surprise the British post at Vincennes, and the character of which was indicated by its name. The ground for many miles was a trembling morass, in which men and horses often sunk, and required help to get them out. Now a good road is there; boughs from the trees being cut and laid on the morass, to form a bed for the gravel which was got from pits in the same prairie which contained the swamp.

It was also objected to the continuation of the road, that the point of striking the Mississippi was not fixed, and that Missouri and Illinois were contending about it. That question, Mr. B. said, could not become material until the road passed Vandalia, and the present appropriations were to carry it to Vandalia. The Senators from those States, now on this floor, were not disposed to balk the bill by a premature difficulty, and he hoped nobody else would raise difficulties for them, while they were in harmony, and disposed to proceed amicably. Sufficient for the day is the evil thereof. At present, they would work together to get the road to Vandalia, and after that would settle the difficulty as commodiously as possible. All they asked at present were good appropriations for the road and the bridge, and a speedy passage to the bill, that the season for doing the work might not be passing by before the work could begin.

Mr. DAVIS said that as the motion was put, he would vote for it. But he did not intend by that vote to express any hostile purpose towards the bill. No estimate was before them of the cost of this road. But he had been informed an estimate was made in a former year. A great deal had been said in this discussion that reflected much light on the subject. But he would like to see the estimate.

IN SENATE, MAY 19.

FORTIFICATION BILL.

After Mr. **WRIGHT** had concluded his speech,

Mr. EWING, of Ohio, said he had some time since endeavored to show, and he thought successfully, from the reports of the chief engineer, that it would not be in the power of the Executive to expend, advantageously to the public service, the amount of money which it is proposed to appropriate by this bill. That we could not do it for the want of engineers, and especially for the want of mechanics and laborers. We have already (said Mr. E.) appropriated seven millions for the navy, and two millions are proposed for finishing the fortifications already commenced, an amount larger than we have ever yet been able to expend on the seacoast in any one year; and now it is proposed to add to all this the amount named in this bill. Now, sir, that money cannot be expended, and is not needed for the present year.

To my suggestion, that this sum could not be expended for the want of the physical force, mechanics and laborers, to carry on the works, two answers have been given, entirely inconsistent with each other, neither of them entitled to much weight. The Senator from Missouri says, that, by extending the line of operations, commencing new works at points where none are already in progress, we can draw from the adjacent country labor which we could not procure upon more distant works. This would be very correct in many situations, though it is not so here. These fortifications are all upon the same line of seacoast. Materials may be procured, and prepared any where within one or two hundred miles of the works, and transported with very little expense; and so can the hands which are to construct them. Then, if an individual can spare a month, or a week, from his common avocations, he can be procured to make shingles, or prepare timber, or stone, for any of these fortifications, just as well as if they were to be built at his own door; and laborers can be transported, without loss of time or expense, one or two hundred miles to work on the fortifications. So that the founding of works, at new points on the coast, will not much increase the amount of labor that can be procured upon them.

But the Senator from New York [Mr. **WRIGHT**] goes on the other extreme, the very antipodes of the Senator from Missouri. He charges those of us who voted for the land bill, and who say that the States can expend this money usefully for internal improvements, with inconsistency; because, says he, if the States can expend this money, the United States can also. If the labor is in the country to be procured, the United States can procure it. Now, sir, I might leave those two arguments to dispose of each other, for they do it effectually; and, it is the strongest proof of our correctness, that those who object to our proposed policy find their objections on all sides of it; for truth is always surrounded with errors, and pursuing the straight line between them. But how is it with the objection of the Senator from New York? We propose, for example, that the State of Ohio shall receive of the present surplus two millions, to be expended by her, if she pleases so to expend it, in internal improvements. The Senator argues, that if Ohio can procure laborers to expend that, the same laborers can be procured by the United States to expend the same sum. Now, sir, materials cannot be got out in Ohio for the construction of a fort, and transported to Throg's neck; laborers cannot be hired in Ohio to go to the seacoast, and work upon these fortifications. But let us set on foot our works at home, and there is no want of materials or of men.

The farmer's sons in the West, who are the best hands in the world, will help in with the spring crop, and then have a month which they will employ in working on the road or canal in the neighborhood. But they would not go to New York to work that month. After harvest, and before corn gathering, they will work two or three months more, and again in the open weather in the winter; and an industrious lad will, in a year or two, lay up money enough to buy himself 80 acres of land, besides helping his father in every emergency on the farm at home. Now, the effect of these enormous expenditures on the seacoast, under the pretext of national defence, must cut off or greatly check those improvements in the West, and thus deprive our country of the advantages to which it is entitled, and its young men of the benefits which it would enable them to derive from their industry and enterprise. The public money, it seems, must be all taken to the East, and expended on the seacoast, or kept in the banks, and our public lands become the property of those who have our public money in keeping. As this bill is part of a system of monopoly—of sectional monopoly—and as it is not, at this time, necessary for the purpose of national defence, and as the system of which it forms a part will distract and derange unnecessarily the business of the Western country, I shall vote against it.

In Senate, April 25.

LAND BILL.

The bill to distribute the proceeds of the public lands among the different States being under consideration,

Mr. WHITE rose and addressed the Senate to the following effect:

Mr. President, the subject under consideration is not new, but the circumstances connected with it are both novel and important. Formerly we were in debt, and had no money in the Treasury, which we could not conveniently use. Now we owe nothing, and have an overflowing Treasury. The common wants for an economical administration of the Government will require but a small portion of our vast and accumulating treasure, and the question is, what disposition shall we make of the surplus. Several projects have been presented. An increase of the army, of the navy, additional fortifications, and munitions of war, is one plan. Another is to put the funds in the power of the commissioners of the sinking fund, and let them vest them in stocks, which will add to our wealth. A third is, to form contracts with incorporated railroad companies, for transporting the mail, your warlike stores, and your armies. And the fourth is that presented by this bill, which is to distribute the proceeds of the public lands among the several States.

In forming an opinion upon this subject I find myself compelled to form some opinion on each of the others also, that I may be able to decide which ought to be preferred.

But the first question to be settled is one of power. If we have no power to dispose of this money as this bill proposes, it is only a waste of time to pursue the subject any farther. Some of our enlightened public men, years past, foresaw difficulties which would in time originate from surpluses accumulating in the Treasury, and suggested this very plan for disposing of them. Some doubted the power under the constitution, and suggested an amendment to remove the doubt; others felt no doubts, therefore did not deem any amendment necessary. All, however, seem to have concurred in the fairness and justice of this disposition of such funds as might not be needed for the uses of the Federal Government. If I mistake not, Mr. Jefferson, while President, made a suggestion to Congress on this subject. Ten years ago an honorable Senator from New Jersey, now Secretary of the Navy, and I do him the justice to add, then, as well as now, a zealous friend of the present Chief Magistrate, moved in this body on this subject, had a committee created, made an able detailed report, accompanied by a bill, which was not finally acted on during the session. To do that gentleman justice I must recur to this report, and read such parts of it as are material, that we may have the benefit of his opinion as enforced by himself. It is found in the fourth volume of the Senate documents at the session 1825 and 1826, Doc. 95, p. 1, and is in these words:

"The committee, from as careful an examination of the subject as a due attention to their other duties would permit them to make, have come to the conclusion that great advantages would result to the United States from an annual distribution among them, by some equitable ratio, of a portion of our national revenue, for the purposes of education and internal improvement, or for such other purposes as the State Governments may respectively deem most to their advantage. Whether the United States shall divide the whole of their revenues beyond what are required for the usual expenditures of the Government, domestic and foreign, civil, military, and naval, to the reduction of our public debt, until the whole of it shall be extinguished; or whether they shall apply a portion of those revenues, as proposed, for the most important purposes, and thereby cause a more gradual reduction of the public debt, resolves itself into a question of expediency.

"It remains for Congress to determine which of these courses will most effectually promote the present, as well as the future, prosperity of the country. There can be no doubt that money distributed among the States, as proposed, would be invested in a way to give much greater profit than the interest on such money would yield at three, four and a half, or even five per cent., which are the rates of interest now paid on the greater part of our public debt.

"As a large portion of this debt is payable to persons in Europe, to discharge it as fast as our means would permit would be to send from the country, sooner than necessary, funds that are wanted at home; the inconvenience of which would be sensibly felt in the present embarrassed state of our moneyed market, and most probably for several years to come.

"Money distributed as proposed, would give new activity to industry and enterprise in all the States; and that equally and simultaneously.

"It would create a vigilance on the part of the State Governments, over the expenditures of the General Government, and thereby prevent the waste of money, and the adoption of extravagant measures, that might diminish the amount of the annual dividends.

"It would secure impartial justice to all the States in the distribution of the expenditures of our revenue, a failure of which at present is a subject of loud and just complaint.

"It would relieve the General Government of the serious inconvenience of an overflowing Treasury, which, if not provided for in the manner proposed, or by a reduction of our revenue, will impair the most important principles of our constitution.

"It would relieve the two Houses of Congress of a large portion of legislation, now devoted to the disposal of our surplus funds--legislation of the worst kind, calculated to produce combinations, sectional feelings, injustice, and waste of the public treasure.

"It would transfer to the States the regulation of expenditures for internal improvements by roads and canals, which, if retained and exercised by the General Government, contrary, as is believed by many, to the letter and spirit of our constitution, will, in time, so far decrease the powers of the State Governments, and increase those of the United States Government, as to destroy the federative principle of our Union, and convert our system of confederated republics into a consolidated Government.

"It would remove the cause of the great and increasing difficulties arising from an objection, on constitutional grounds, to the exercise of the right claimed on the part of the United States, of making roads and canals through the different States of the Union. It would enable the General Government to keep in operation an efficient system of finance and revenue, with advantage to the States. And should the exigencies of the country require the application of all our means to some object connected with our national peace and prosperity, those means could soon be brought into operation, by suspending, for a time, the dividends to the States. By this our Treasury would be filled without a sudden resort to new taxes, which might be oppressive to agriculture, and which might create much inconvenience by interrupting the pursuits and industry of our citizens.

"Money collected from the sources which now give us our revenues, and distributed among the States as proposed, would produce a rapid and profitable circulation of our funds, from the centre to the extremities of the Union, and thus add to the force of the moneyed capital of the country."

It will here be remarked, that no doubt was felt or expressed as to power to distribute every portion of the revenue which could be spared, and a plan was recommended for adoption immediately, although we then owed a large debt, bearing various rates of interest, from three up to six per centum.

Next in the order of time, is the message of the present Chief Magistrate at the commencement of the session of Congress in 1829, found in the Senate journal, pages 13 and 14. That part of it which is material is in these words:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be necessary for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided, considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government; it is hoped that it may lead to the adoption of some plan, which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while, by others, it has been avowed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition, which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation—and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general, powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions," &c.

It will be perceived that in these two short paragraphs the justice and utility of distributing these surplus funds are presented to the mind, in language as clear, distinct, and forcible, as can well be employed.

It was not necessary to his purpose, and therefore he did not examine the question whether the powers of Congress over the moneys arising from the public lands were as limited as those possessed over moneys derived from taxes, and he contents himself with the expression of a general doubt on the question of power, and recommends an amendment of the constitution to remove it.

At the session of 1831 and 1832, this subject is introduced into the report of Mr. McLane, then Secretary of the Treasury, and afterwards Secretary of State. What he says will be found in the Senate documents, vol. 1, doc. 3, page 12, and is in these words:

"The sources from which the revenue has hitherto been derived, are the imports, public lands, and bank dividends. With the sales of the bank stock the latter will cease, and as the imports, according to any scale of duties which it will be expedient and practicable to adopt, will be amply sufficient to meet all the expenditures, that portion of the revenue heretofore drawn from the sale of the public lands may be dispensed with, should Congress see fit to do so.

"On this point, the undersigned deems it proper to observe, that the creation of numerous States throughout the Western country, now forming a most important part of the Union, and the relative powers claimed and exercised by Congress and the respective States over the public lands, have been gradually accumulating causes of inquietude and difficulty, if not of complaint. It may well deserve consideration, therefore, whether, at a period demanding an amicable and permanent adjustment of the various subjects which now agitate the public mind, these may not be advantageously disposed of, in common with the others, and upon principles just and satisfactory to all parts of the Union.

"It must be admitted that the public lands were ceded by the States, or subsequently acquired by the United States, for the common benefit, and that each State has an interest in their proceeds, of which it cannot justly be deprived. Over this part of the public property, the powers of the General Government have been uniformly supposed to have a peculiarly extensive scope, and have been construed to authorize their application to purposes of education and improvement, to which other branches of revenue were not deemed applicable. It is not practicable to keep the public lands out of the market, and the present mode of disposing of them is not the most profitable, either to the General Government or to the States, and must be expected, when the proceeds shall be no longer required for the public debt, to give rise to new and more serious objections.

"Under these circumstances, it is submitted to the wisdom of Congress, to decide upon the propriety of ceding all the public lands, in the aggregate, to those States within whose territorial limits they lie, at a fair price, to be settled in such manner as might be satisfactory to all. The aggregate price of the whole may then be apportioned among the several States of the Union, according to such equitable ratio as may be consistent with the objects of the original cession, and the proportion of each paid," &c.

The vigorous and discriminating mind of this highly gifted and useful man at once recognises as sound a distinction in the powers of Congress over moneys derived from a disposition of the public lands, and those powers that body may be supposed to possess over moneys derived from other sources, and he strongly urges the necessity and propriety of a distribution among the States.

It is fortunate that we are not yet placed in circumstances which make it essential to decide whether we have a power to divide all surplus revenue, no matter from what source derived. I profess to be what is called a strict constructionist of the constitution, and that our power to appropriate money is necessarily confined to appropriations, to effect some object upon which Congress is expressly empowered to legislate, or some necessary and appropriate means to effect such enumerated objects. Still I never have been satisfied we do not possess the power to distribute surplus revenue, if it is believed wise to do so. No just Government will take, either by direct or indirect taxes, more money than is necessary to defray all the reasonable expenses of the Government. When taxes are imposed, either directly or by an assessment of duties, it cannot be foretold precisely how much will be wanted, or how much will be received, in the Treasury. We must necessarily act upon estimates. To some extent, we will be mistaken. Foreseeing this, and for the sake of collecting what will be certainly sufficient, we will almost invariably collect more than is necessary. In a series of years, these accumulating balances will amount to a sum too large to remain locked up, and entirely useless. What, then, is to be done? We surely are not at liberty to devise some wasteful and mischievous project, merely to use the money. It came into the Treasury by mistake. Mistakes which, in the nature of things, could not be avoided. Have we no power to correct them when discovered? Is not the power to refund the money a necessary result from the power to assess and collect it? Is not this a power which Congress has always exercised, and must exercise, as to individuals?

By mistake, our officers collect and place in the Treasury money which ought not to have been collected; the mistake is discovered, and the individual calls on Congress for redress. We pass a law to refund the money. Where do we get power to do this? There is no express grant of any such power; but it results from the very nature of the relation which exists between the payer and receiver. The latter must always have power to act justly, to act honestly, and whenever he finds he has money through mistake, he would seem to have power to return it. But I do not intend to express any opinion on this point, or to prolong a discussion, by introducing important topics, not necessary to our action on this bill. All I intended was to state, for myself, that should it ever become necessary to discuss the general subject of our power to distribute the whole surplus, no matter from what source derived, for one, I think it well worth a careful and deliberate consideration, before it is either affirmed or denied; and I most heartily concur in the sound doctrine of the President, that we ought not to act, when there is a reasonable doubt of our power.

The question which we must now decide is, whether we have power to do that which all admit it is perfectly just we should do, if we have the power--distribute the proceeds of the sales of the public lands. The following considerations have satisfied my own mind, and they are respectfully submitted for the reflection of others. Our public lands were acquired by the United States, by deeds of cessions from several individual States, and by the purchase of Louisiana and Florida, which were paid for by moneys derived from the lands which had been ceded by individual States.

The most important cession was made by the State of Virginia, in the year 1784, and that part of the cession material to our present purpose is in the following words:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual and respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."—1 vol. Laws U. S. p. 474.

This language creates an express trust between the United States and each individual State. By it the United States stand pledged to hold these lands in trust, that they shall be faithfully managed, and their avails applied for the joint benefit of all. So far as it has been applied to the payment of debts due by all, the trust has been complied with; but now the debts are paid, and there is a surplus, have we the power to give this surplus to those for whose use the trust was created? I might ask who can doubt it? Suppose the States still bound together only by the articles of confederation, out of money raised in its own way, and out of its own means, each State had paid, when called on, its quota for the expenses of the Federal Government, and for the payment of the national debt, and there was a surplus of twenty or thirty millions of dollars, for which the Federal Government had no use, would we not be bound to distribute it? I say we would not only have the power to do so, but if we did not exert it, a court of chancery would compel us, if we could be sued. The very terms of the cession look to distribution. If this were not so, why say in the deed that, when used for the benefit of all, "Virginia" shall be included? Why fix the "ratio" in which payments shall be made to each? If we only have power to pay debts and bear common expenses of Government with these moneys, and can do nothing else with them, both these regulations would have been useless. I take it, therefore, as too clear for a doubt, that, if now connected by the articles of confederation only, we would have the power to distribute.

The next question is, did the adoption of the present constitution alter the rights of the parties, or take from Congress the power to comply with their engagement? I answer, unhesitatingly, no.

In the 6th article of the constitution, the first paragraph runs thus:

"All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation."

In the 3d section of the 4th article of the same instrument, this language is found:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States, and nothing in this constitution shall be construed to prejudice any claims of the United States, or of any particular State."

Thus we find all debts contracted, and engagements entered into, before, were to remain unchanged, and the respective rights of the United States, and of each individual State, were to remain precisely as if the form of Government had not been altered, and express power is conferred to dispose of the public lands, and to make all needful rules and regulations respecting the territory or other property of the United States.

With these different provisions before him, who can doubt the power of the United States to do that which, by accepting this trust, they expressly agreed to do? Cessions from the other States are made substantially on the same conditions, and liable to the same dispositions by Congress. Louisiana and Florida were purchased with the avails of these ceded lands; the trustee is the same, and that trustee holds these lands loaded with exactly the same burden, and is bound, if those for whose use they are holden desire it, to dispose of them and their proceeds in the same manner. I hold, therefore, that, be the general question of power to distribute the whole revenue settled as it may, there ought to be no question as to the power to divide moneys arising from the sales of lands. But it has been argued that, if we have the power, there is no money to divide. That when the amount is settled, the nett gain will not exceed $400,000. To this I can never agree. The United States took this trust-fund, and with it purchased Louisiana and Florida, and now we are told they have had the use of the money for nothing, and will only account for the principal. This is not the rule. If the trustee takes the trust-fund and trades upon it, he must account to the *cestuy que* use, for all the profits made. The question in chancery would be, not what these countries cost, but what they are worth. You cannot fix a price. Louisiana and Florida! The sovereignty and jurisdiction over them alone is worth more to this Union than all the national debt we ever owed. How much duties have we collected from their ports? How much have we avoided paying by making them our own, instead of letting them remain foreign ports? How many wars have we avoided by their purchase? In short, what would you take for them? No sum. They are beyond price to the rest of the Union. On this part of the subject, the question with me is, not what sum we now have in the Treasury, which was received for the sale of lands, but whether we have a sum in the Treasury equal to that proposed to be distributed, over and above all that is necessary to be appropriated to take care of the great interests of the country, and without debiting the States with the sums paid for Louisiana and Florida, because I am sure, upon any fair settlement, the sum due from the Union is at least equal to the sum which it is proposed now to distribute.

What sum have we, and what will we probably receive, in the course of the year? I will take round sums, disregarding fractions.

We have now in the Treasury - -	$32,000,000
Of this sum, the quarter ending 31st of March produced $11,000,000. Suppose the remaining three quarters to average the like sum, and we will have on the 31st December, more by - - - -	33,000,000
Add the value of our bank stock - -	7,500,000
Estimated amount - -	$72,500,000
Deduct for falling off and deficiencies, -	5,500,000
	$67,000,000

After this liberal deduction, we will have sixty-seven millions at the end of the year.

Now for expenditures:

The ordinary wants of the Government ought not to exceed $15,000,000. Mr. McLane, in the report of 1831, to which I have adverted, fixes upon that as a sum amply sufficient, and it appears to me in all conscience it must be enough, unless our prosperity is to drive us into the most mad excesses.

Let us, then, take this as the sum necessary for our ordinary expenses in the course of the year - - - - - -	$15,000,000
Add to this, to be distributed among the States - - - - - -	$27,000,000
These two sums amount to - -	$42,000,000

Take forty-two millions from sixty-seven, and we will still have in the Treasury twenty-five millions of dollars, to apply to any extraordinary expenditures for the army, the navy, for fortifications, or for any other purpose whatever. The army ought to be increased so much as to render secure our frontiers. The increase of our navy may be hastened to some extent, and we ought ultimately to have a naval force more than able to chastise and drive off any foreign fleet sent to blockade or seriously to infest our coast. Larger than that we do not need and ought not to have, if it were given to us. Fortifications are only wanted for important points, at which an enemy might do much mischief to public or to private property, by a sudden incursion. The whole coast we never can, and never should attempt to defend by fortifications. If we do, we must have a large standing army to defend them; otherwise they will be applied to the protection of our enemies. We are told by the Secretary of War, in a document before me, that Old Point Comfort covers sixty-three acres of ground, and to protect it by an adequate force, would require several thousand men. We never can, we never ought, to attempt to defend our whole coast, by so many fortifications as will require any considerable increase of our army. If we do, in time of peace, these troops will come, on days of election, and as they are hired to do our fighting, they will do our voting likewise, and in a short time leave us nothing worth fortifying. Such defences are contrary to the spirit and genius of our Government, and ought never to be countenanced or tolerated to the unreasonable extent which some appear now to desire. In the same document, at pages 21, 22, from the War Department, the Secretary says no new fortification ought to be commenced until all the proposed sites are resurveyed and plans devised upon a suitable scale, and recommends a board for that purpose, which will require a small appropriation of thirty thousand dollars.

He also recommends experiments to be made in relation to steam or moveable batteries, which will require an appropriation of one hundred thousand dollars. Well, then, if we concur with the Secretary, we want at present no appropriation for new fortifications, but these two sums, equal to one hundred and thirty thousand dollars, to defray the expenses of a board, and the experiments of which I have spoken.

As to the fortifications now in progress, let such increase be made in the appropriations as can reasonably be used in the course of the year. As to the suggestion made that we ought at once to appropriate a sum large enough to complete the work, although it may be five or ten years before it can be completed, I do not think it ought to be sanctioned. It is unnecessarily, and for a long time, putting at hazard, in the hands of agents, who may prove faithless, large sums of money. From year to year let the appropriations be made, and thus avoid all unnecessary risk. According to this same document, the expense necessary for ordnance must be comparatively trifling. We can be much more readily supplied than I had imagined. Upon the whole, I think all the reasonoble demands for the army, for the navy, for fortifications, ordnance, and other munitions of war, can be supplied without making any serious impression upon that large fund left in the Treasury, after providing for the distribution as proposed in this bill.

Allusion has been made to matters pending before us, when not acting as a Legislature, which, if perfected, may occasion a considerable increase of expenditure. That may be so; yet we must remember that not much of this expenditure will, or can be, this year or the next, and that these very measures will increase our resources, if not entirely equal to our increased expenditure, very nearly so. These matters, therefore, may be laid aside.

Another project for ridding the Treasury of its surplus, is that of placing it in the hands of the commissioners of the sinking fund, and authorizing them to vest it in some secure stock, yielding a reasonable profit. This might do, and is probably intended as an expedient to save the money from loss; but as to a mode of lessening the fund, it would be making bad worse; it would be devising a plan to increase our store; because we would expect a return of the principal and the interest produced by it. But, for myself, I have no idea of sending our money among stockjobbers, into the market, to be higgling for bargains, which in one way may be very good, and in some other, very bad. Far rather would I prefer they should remain where they now are.

The last scheme for adoption is that from the Post Office Committee, with the aid of steam. With the aid of this machinery, I have very little doubt, the whole can be accomplished in a very short time. The whole of this, which, without intending disrespect to the committee, I must call artful contrivance, is neither more nor less than the old system of internal improvement, with federal means, and by federal power, revived, and the more odious, because of the attempt at concealment. The old system has the merit of manliness. Its friends think the Federal Government has the power, and openly avow that they will exercise it, because in doing so they promote the public interest. This seeks to violate the constitution by stealth, and the contrivers of it must think the device is so artfully concealed that the public can never find out the design. Now, sir, I think it perfectly proper, that, where a railroad can be had, the Postmaster General ought to have the power to contract with the company to carry his mail, and I understand he has this power already; therefore, as to existing roads, the bill will be of no use. He can make just as good a contract without as with this bill. It can only operate on roads commenced and unfinished, or ones being commenced. How, then, will it operate? Say the road is to be one hundred miles long, and ten or twenty only finished, and the company to need funds, they make a contract to carry the mail, and receive at once, out of the Treasury, a sum of money, the interest on which, yearly, will be equal to the sum paid yearly, in time past, for carrying the mail; with this money the company are to progress, and make another part of the road, then the contract will be enlarged on the same principles, an additional sum paid, and thus the road be completed. Can this be any thing but an enlarged, masked system of internal improvement? and if the charter of the company is for fifty or an hundred years, or forever, your contracts are to be in the same way. To carry out this system, what sum would it probably cost? No man dares to offer a conjecture. To enable us to have a glimpse of it, let us suppose one case. Upon a given route, the sum paid for carrying the mail was twenty thousand dollars per annum. We are now to give to the company presently, and to be retained as long as the charter lasts, a sum which, at an interest of six per cent., will produce twenty thousand dollars yearly. What sum would that be? No less than three hundred and thirty-three thousand three hundred and thirty-three dollarsand one third. This would be but one route, and I presume of the middling class; and pray what sum would it not require, to spread this system over the United States? Suppose one of these companies, directly after receiving your money, to fail, and decline business, what then? We must lose the money, or take the road. We take the road, and employ managers and hands enough to carry on business on our own account. We should then have a little army of our own, moving to and fro by steam. Under such a system, we would be steamed out of all our money, all our character, and every thing but a handsome addition to federal patronage. Adopt this plan, and, my word for it, we will never have another argument on the subject of disposing of our surplus revenue; it will be scattered to the four winds. As this project is brought forward by a friend of the administration, it is supposed to be an administration measure; by this I mean a measure approved by the President. How this fact may be, I do not profess to know; but I have seen enough in my day here to satisfy me that it is very unfair that every measure brought forward and advocated by the members professing to be friends of the administration, should be considered as having the sanction of the President. I know not what his opinions on such subjects are now; I know what they have been, and until informed, in some authentic mode, that they have been changed, I esteem it fair to suppose they remain unchanged.

Let us hear him speak for himself, in two of his communications. In his annual message of 1830 the President says:

"In speaking of direct appropriations, I mean to include a practice which has obtained to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation, for general use, should be open to the enjoyment of all our fellow citizens, exempt from the payment of tolls, or any imposition of that character."

Same message, he says, farther:

"That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the public funds amongst the several States, is not to be conceded.

"We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of that character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters, in time past, have been more fortunate than myself in their observation of the course of public affairs."

In his message of 1832, he says:

"I recommend that provision be made to dispose of all stocks, now held by it [the Government] in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the States, they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate, is considered wholly inexpedient."

Are we to infer, after this, that he would approve of this plan? I think not. To me it appears much more probable, were we to pass such a bill as this, that it would be vetoed by him, than that he should negative the distribution bill, when he would reflect upon the altered state of things since that subject was acted on by him. Such a system as this would be one of internal improvement, with the moneys and under the patronage of the Federal Government. It would be for the benefit of companies, some of whose charters may be for long periods, or without limit as to time; they would still continue to receive their toll from the people. It would operate partially and unjust to the different sections of the country. Some would receive plenty, others none. Instead of trying to rid the Government of all connexion with stock companies, we would be forming more extensive and dangerous connexions than have ever been thought of in time past. I therefore conclude such a scheme, however plausible at first view, can never ultimately find favor from any majority in Congress.

I will now advert to some of the strongest objections which I have heard to the policy of distribution. It is thought a system of distribution will make the States feel dependent on the Federal Government, and induce them to engage in enterprises not necessary, and beyond their fair means. Ought we not to remember that it is the same people, who are represented both in the State and Federal Legislatures? That they are competent to understand their own rights, and have the power to compel obedience to their will, by their representatives at home as well as here? Will they not know that the money distributed is their own money, not a boon from Congress? How, then, will they feel dependent upon those who have done them no favor, but the simple act of justice, of paying them their own money, in place of keeping it locked up, or having it wasted by others? If the people are capable of self-government, they must be capable of understanding their own rights, and pursuing their own interests. They will not view this as a boon, but as a delivery to them of that which is their own. They will never look to distribution as a regular and certain resource for State purposes, but as an incidental addition to their other means, which will enable them to carry on with more vigor any plan which in their wisdom may be devised for improving their country, or increasing the means of education.

Again: It is said the new States may justly fear that distribution will induce the old States to keep the price of lands high, and thereby check settlements in them. It appears to me there can be no real foundation for any alarm on this account. The new States now form a very respectable minority. That minority will soon be increased to the number of ten or eleven. If we are fit to live together under one General Government, there never can, there never will, come a time when so large a minority cannot prevail upon enough to make up a majority, to do that which is not only just but liberal to them. Nothing can be so likely to prevent this as a contracted and illiberal policy on their part. If they prevent distribution, and thus prevent others from attaining any participation in a common fund, and this with a view to benefit themselves, may they not destroy all disposition to meliorate their condition? Will it not be more wise in them to let that which can well be spared from the proceeds of the public lands be distributed, and with their fair proportion of it, in common with other States, go on and make such internal improvements as the interest of their people demands, and rely upon the justice of Congress, from time to time, to make such reductions in the price of the public lands, in favor of actual settlers, as the interests of the new States may require? For one, having been raised and having lived in a new State, and knowing the difficulties they have to encounter, my feelings have been with them, and, since honored with a place here, I have ever been disposed by my votes to favor their wishes and interests, so far as it could consistently be done. I hope still to do so, let them pursue what course they may. Either now, or at any subsequent time, I am ready to vote a reduction of the price of the public lands in favor of the actual settler, the cultivator of the soil; but not to favor the speculator—he who would buy largely at a small price, to sell to the settler in small quantities at a high price. Of all the evils which can befall a new State, none is greater than to reduce the price so low as to encourage individuals or companies to purchase large quantities of the public domain. They will be held up for increased prices, and effectually check the growth, the prosperity, and wealth, of any State, where such a policy is pursued. But the actual settler may well be favored by procuring a home of his own, at a low price, where he can cultivate his own soil, and, independently of all others, maintain his family. I voted yesterday against the amendment of the Senator from Mississippi, because it did not provide for actual settlers, but only for those who represented that they wished to become settlers. Let lands be entered upon such statements, and those who entered them would, in many cases, soon change their minds, and some speculator would be found to be the true owner, at the reduced price. Whenever the lands have been so long in market, at a reasonable price, as to show that they are not of value to the General Government, let them be transferred, upon some fair terms, to the States in which they respectively lie. In the State which I have the honor in part to represent, the United States now own some lands, which never have been, and never can be, brought into market by them, so as to produce any benefit whatever; to the State they would be worth something; there is now a bill pending in the other House, which has for its object their transfer to the State, and if it reaches the Senate, which I hope it soon will, it is believed we will be able to show the propriety of passing it.

Let us now reflect a little on some of the advantages which will flow from the passage of this bill. In the first place, we will do that which is an act of justice to the individual States. Several of them, my own among the rest, have never received a dollar from the Federal Government, while others have received large donations in lands or in money. In some States, where they are opposed to internal improvements by the Federal Government, no contributions have been made for either roads or canals, while in others large sums have been expended. This inequality has produced heart-burnings and discontents. Give to each its own proportion of this fund, to do with as it pleases, and this cause of discontent will be removed. Each State is the proper judge what ought to be done with its own money; I am, therefore, opposed to giving any direction as to the objects to which it shall be applied: but I have no doubt, in most instances, it will be expended either in internal improvements or in the business of education. I have been one of those who do not believe the Federal Government has the power to carry on a system of internal improvements within the States; and I shall now think it peculiarly hard, when we find a large sum of money, which we have the power to distribute, if it should be taken and wasted upon remote and distant objects, and my State receive nothing. I should consider myself criminally negligent if I did not urge the necessity of giving that which I think is justly our due. By making this distribution, we shall withdraw from the deposite banks a large sum of money, now locked up from the common and beneficial pursuits of life, and put in circulation, not in one State or place in particular, but in every State in the Union, so that its beneficial effects will be felt by all. Now, if this money is loaned by the banks, it is evident to my mind the loans are not made to commercial men, accustomed to bank accommodations, but to companies engaged in speculations in our most valuable public lands; by means of these loans, the honest settler is driven off from your public sales, or is forced to join some company, for the sake of enabling himself to procure, at a fair price, the small piece of land on which he has settled. Formerly, we sold the public lands upon credit; while that was the case, companies were formed, and speculations carried to a great extent. I attended one of those sales, and saw enough to satisfy me, Mr. President, that if you and I could unite our capacity for business, we would not then be able to purchase, at its value, a section of land. The speculators would force us to join them, or drive us out of the market. They would tell us the land we desired to purchase was worth ten dollars per acre, and if we would give them the difference between the sum we had to give at sale, and ten dollars, then we might buy, otherwise they would run it up to twenty dollars per acre; and they would keep their word, if we did not come to terms; if we did, then we could bid off the land at a dollar and a quarter, which we would pay to the Government, and in addition we would pay the company eight and three quarters dollars per acre. The Congress determined to break up these speculations, by requiring cash payments. It worked very well till lately. Within the last year, the land speculations are revived to a fearful extent. Now, what is probably the cause? These large sums, so long on deposite, enable the banks to make to these companies large loans on long credits, and, with the money thus borrowed, your best lands are sacrificed. This is nothing but the credit system revived in a new shape. Formerly, the Government itself openly gave credit; now the banks give the credit, but the Government furnishes the funds which enable them to do so. This is a growing evil. It is like rolling a snow ball; every turn makes it larger, and if not checked, we shall soon have this matter carried to an extent which will make the mischief incurable. Divide this money, and we take from the banks the power of making these loans, and your lands will be purchased in fact, as well as in form, for money. Besides these considerations, we will prevent our deposite banks from overtrading to an unreasonable extent. If these speculations are to be persisted in, a day of reckoning will come. If a run be made on your banks, which they cannot stand, we not only lose our money on deposite, but, what is infinitely worse, we bring upon the country the evil of a depreciated currency, which always falls most heavily upon those least able to bear the loss.

Pass this bill, and we not only avoid these evils, but we furnish each State with the strongest inducements to aid your banks in maintaining a sound and wholesome currency; with their proper proportions of which, when received, I have no doubt, all will make judicious internal improvements, and take care to have the business of education suitably encouraged.

In Senate, March 31.

OHIO RESOLUTIONS.

Mr. Ewing's reply to Mr. Morris, on presenting the resolutions of the State of Ohio.

Mr. EWING said, my colleague expresses dissatisfaction that I should notice the circumstance of his remarks, on presenting the resolutions, being written out and read from a paper. I did it, sir, not to convey the idea that he was unable to deliver his views orally, for, had that been the case, I should not have named it, but to show that I did not pass by, unnoticed, the deliberate nature of the attack he has seen fit to make on me here, under cover of the presentation of a paper. He has travelled out of the question. He has obtruded upon this chamber a vituperative attack upon me and upon my friends; and he has done it, not in the heat of debate; not in a moment of sudden excitement, called forth by harsh collision here, but in his own chamber, quietly at his own table, he has collected and collated all the vile trash which has filled the lowest party newspapers for the last two years, and dealt it out to us here in a labored and condensed form.

My honorable colleague says, I cannot duly appreciate the feelings with which he has performed this very painful duty. He is, doubtless, correct. I am a stranger, and trust I ever shall be, to feelings which would dictate the performance of such a duty in such a manner.

In one thing, however, we entirely agree. I concur with him in the opinion that nothing more is necessary than to bring the subject on which we differ fully before the people. Give them light upon the question; let them understand what is attempted upon the one side, and repelled on the other, and that their judgment will be right. Surely it will; their feelings and their judgment, too, will be right; and their final decision on the question, as it must again pass in review before them, will be right also.

I, sir, as one of the Senators from Ohio; one of the servants of a great State and a great people, am required by my fellow servants in another department, to whom that people have delegated no power of superintendence over me; I am required by them to do an act which I hold to be a violation of my official oath, and degrading to me as a Senator and as a man, or to resign my seat.

Now, I have never denied the right of instruction, as inherent in representative Governments, though its precise limits I have never had occasion to consider and define. But, so far as that right does exist, it is confined to the constituent, and none but the constituent has the right to instruct the representative. Then, what I do deny is, that the Legislature is the constituent, and the only constituent, whom I represent here. The constitution of the United States forbids the conclusion, and common sense forbids it. The Senators represent the people of the States, and the Legislatures are but the electoral college, designated by the constitution to select those agents for the people. In case of a vacancy during the recess of the Legislature, the Governor appoints a Senator; and if the right of instruction be, as contended for, vested in those who appoint, the Senator appointed by the Governor must obey his will, and not the will of the people. This would be absurd, and no man has been bold enough to contend for it.

This right of instruction, claimed elsewhere, is by strong implication denied to the Legislature by the constitution of Ohio. No man pretends that it is expressly delegated to them by the constitution, and there is a general clause in that instrument which provides that all powers not therein expressly delegated shall belong to the people. If, then, the right of instruction be inherent in a representative Government, that party in the Legislature who have attempted to instruct me, and who demand my resignation as the penalty of disobedience, have usurped the rights of the people. Those men are not my lawful sovereign, and I will not acknowledge their power.

I am always glad to receive information from my Legislature; to consult with them as to the common good of those whom we in common represent; to avail myself of their advice; to know from them their own wishes, and, through them, so far as possible, the wishes of our common constituents. But let no dominant party in that body, or elsewhere, which thinks fit to be my enemy because I will not be its slave, hope to bend me from my purpose, or drive me from my post, by their commands or their threats.

IN SENATE, JANUARY 28.

PUBLIC LANDS.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported unfavorably on several memorials that had been referred to that committee, and moved that the committee be discharged from the further consideration thereof. Among them was a memorial from the Legislature of Missouri, asking a grant of land for purposes of internal improvement; and one from the Legislature of Louisiana of the same purport.

Mr. E., in presenting the reports, said, it was the opinion of the committee that, in all cases, it was better to grant money than lands, and that it was better the United States should sell the lands.

Mr. BENTON said he should be glad to have a written report from the committee, on the subject of some of these memorials, especially the one from Missouri, for a grant of land for internal improvement, which the committee had disposed of in such a summary way. He objected to this compendious process and wholesale condemnation, by which a dozen memorials were disposed of at once, on a mere motion to be discharged from their consideration, and without a word in writing. He wished to have an opportunity of showing that the State from which the chairman of the committee came, (Ohio,) had received above a million of acres of public land for internal improvement, while many of the new States had received not an acre. It was not convenient to go into this subject this morning, Mr. B. said, when other business was pressing; and he would prefer that it should be laid over for the present. Other States besides Missouri were about to be injured; and there were other gentlemen who would not sit still, and see the Senate, by a *sub silentio* proceeding, or an *ore tenus* report, do such wrong to their States. He would wish the committee to take back their motion, or that it be laid upon the table for the present.

Mr. PORTER hoped the course suggested by the Senator from Missouri [Mr. BENTON] would be followed by the chairman of the Committee on Public Lands, and adverted to the immense sums of money expended by the people of Louisiana in extending the levee, and to the benefit of those lands. An application had been made to the Secretary of the Navy for information relating to this subject, and he hoped that, before so decided a disposition was made of those applications, the committee would wait until that information was received. These petitions were not bottomed upon the generosity, but the interest of the Government.

Mr. EWING, of Ohio, observed that he felt no anxiety that the question should be taken on the proposition of the committee at that time. He certainly was not disposed to get rid of the papers that had been referred to them, otherwise than in a direct mode, and that mode he had supposed had been adopted by him. The other day he had presented a detailed report, in which all these subjects had been fully discussed and examined, and he would be therefore willing to lay this report on the table till the gentleman had time to look into this report and to decide whether the views he had taken on it were sound or unsound. A bill of the same nature of these petitions, which had been referred to the committee, would have been reported back on the same day that he made the detailed report, but he did not lay his hands on it at the time. In that detailed report he had said what he now repeated, "*ore tenus*," that it was better to make grants of money than of lands.

He was asked, why the committee did not report money in lieu of lands? Now, the gentleman who asked that question had been a member of that body for many years, and knew very well that it was not customary for the Committee on Public Lands to report money bills. Such a report would come more appropriately from the Committee on Roads and Canals, or of Finance. In the general bill he had before referred to, there was a grant of this very five hundred thousand acres of land the State of Missouri asked for. Whenever the subject fairly came up, he was disposed to present his views, and those of the committee, fully; and if the Senate was not satisfied with them, they would cheerfully acquiesce in its decision. In the general bill reported the other day, the object was to place all the new States on the same footing; but his opinion was, that that bill, taking all circumstances into consideration, did Ohio great injustice. As that bill, however, was not then under consideration, he would not discuss it further. He was satisfied that the subject should be laid on the table till the report was printed, and the bill was brought up before them.

Mr. BENTON observed, that the Senator from Ohio, who had just taken his seat, had said that it was not regular for his committee to report a bill granting money. Now, he (Mr. B.) presumed it would be perfectly regular for them to recommend money, and also competent for the gentleman himself to say that he would vote for money in lieu of the land asked for. The gentleman remarked that they had decided, on principle, that it was better for the Government to grant money than land, and in the same breath said that the committee had reported favorably for granting 500,000 acres of land to the State of Missouri, in the distributive land bill. This is a pretty way to establish principle; a report for it, and a bill against it. So much for the principle decided on by the committee. But what (asked Mr. B.) is this 500,000 acres, that is to be thus granted to the State of Missouri? It is, said he, the same 500,000 acres which I proposed myself long before this land bill was brought in, which proposition received the favorable consideration of the Senate, having passed to a third reading and reached its third stage before that general land bill was conceived of. In this stage of its progress, this bill that he had brought in was laid on the table, and afterwards seized upon and taken away from him, the father of it, and put into a bill which afterwards received the veto of the President. Nay, more, it was continued in the same bill of this year, with the knowledge, on the part of those who framed it, of the President's message on the veto of the bill, and that he would, on principle, adhere to his objections given in that message. Where, then, was the friendship to Missouri, which the gentleman boasts of when he speaks of the grant to be in a bill the principles of which the President has vetoed and must veto again? Was the State of Missouri to be treated in this manner? Were the new States to be treated in this way? And was he, a Senator, to be treated in this way, to have his bill, that he had introduced session after session, taken from him, and imbodied in another that could never become a law?

Sir, said Mr. B., I mean, when this land distribution bill comes up, to move to have it disembowelled, and to take my child out of it. I want it taken from the guardianship of those who are pressing it to death, and to be delivered to me, its own father. The bill thus taken from him had been used against him in his own State; for when he voted against this distribution land bill, containing his own in its stomach, every press in his State, on a certain side of the political line, came out against him with the declaration that he had voted against his own bill; that he (Mr. BENTON) had voted against a grant of 500,000 acres of land to the State of Missouri. He did not say that such was the design of those who had taken his bill and put it into another; but such was the use that had been made of what they had done. The attempt to make the people of Missouri misunderstand him had failed; but, as respected the land, the State had lost it; and he was determined that the manner in which he had been treated, and the people of Missouri had been treated, by taking this bill from him, and putting it in another—that this attempt—he would not say attempt—but that this proceeding, having the effect to make the people of Missouri believe that there were those here who were willing to grant her 500,000 acres of land, while they placed the grant in a position which would prevent the possibility of its passing, should be fully known and understood. He moved to lay the reports, for the present, on the table.

Mr. MOORE adverted to the position in which he stood in relation to the principles involved in this matter, as one of the Committee on Public Lands. He was not in his place when the report was made. But if a bill was reported, he hoped the child would not be killed, and that the gentleman from Missouri [Mr. BENTON] would have it in his power, as father, guardian, or author, to give it all the support and nutriment he wished.

Mr. EWING said he had been charged by the Senator from Missouri [Mr. BENTON] with inconsistency. It was not easy to discuss a report not before the Senate. The committee intended, in making their report, to treat the new States alike, and to place them all on an equality. It was the opinion of the committee that grants of lands should not be made for these particular purposes. The grant of the ten per cent. was so far a grant for those purposes. The committee did not know of the veto of the bill alluded to by the gentleman from Missouri, and, for one, he could never consent, as a member of this body, to be swerved from his course by the exercise of it. He would not consent to mould his course to meet the executive approbation. He would not be held to act in obedience to executive will. If the motion prevailed to lay the report on the table, it would place it in the power of the gentleman from Missouri [Mr. BENTON] to take such course in reference to it as he thought proper. He had nothing to do with his [Mr. BENTON'S] State, to effect any object here, or any purpose there, but intended to act upon broad principles.

Mr. BENTON certainly had no objection that the Senator from Ohio, or any other Senator, should go on with their business, either public or private, without regarding the action of the President; but he hoped now that he might be understood, and that there would be no necessity for him again to repeat it. What he objected to particularly was the taking his bill, which had received the favorable action of the Senate, which had precedent to sanction it, which had nothing extraneous in it, which rested on its own merits, and putting it in another bill which had received the veto of the President, and which, taking into consideration the President's message, it must be known would receive his veto again. The gentleman said he had no object in acting on the State of Missouri; but what was the state of things there some years ago, at the time the vote was taken on this distribution land bill, into which his bill had been so irregularly imbodied? There was an election pending there for United States Senator, and his vote on this bill was used against him from one end of the State to the other. To be sure, when the subject came before the General Assembly, they saw and fully understood the circumstances under which he acted, and appreciated the feelings which influenced him to vote against a measure to which they, as well as he, was opposed on principle, though it did propose to give 500,000 acres of land to the State he represented. Now, as to the bill for this grant to Missouri, which he had introduced at the very beginning of this session, and which, though referred to the committee long before this distributive land bill, came limping in after it.

Sir, said Mr. B., my Legislature has adopted that bill; and, in asking for this grant of 500,000 acres, condemns this general bill into which the grant is now put; and, having their approbation, he should again vote against this general bill which, in his opinion, contained so much to condemn. Whatever was the design of gentlemen in making the grant in this way, it was entirely delusive while it was attached to a measure whose fate it must share. Now, with respect to the nature of those land bills which had been sent to the Committee on Public Lands. That committee had never, since the organization of the Government, been constituted so unfavorably for the new States as now. How stood that committee? It consisted of Mr. Ewing, of Ohio; Mr. Moore, of Alabama; Mr. Crittenden, of Kentucky; Mr. Prentiss, of Vermont; and Mr. McKean, of Pennsylvania; a majority from the old States. The first time this committee had been so organized since he had been in the Senate. The gentleman from Alabama was the only member on it from the new States; for he considered Ohio, in all that respected the public lands, as an old State. She (Ohio) had received large grants of land from the Government, upwards of a million of acres, while the chairman of the committee was from that State, and was opposed to making similar grants to the new States, who had received nothing. She had but little public land remaining to be sold. She was rich and populous, and not at all in the condition with the young States which had received no grants, or but small grants, for internal improvement, and whose population was thin, and resources weak. The real new States had but one representative on the committee. It was a committee strangely and strongly organized against the new States, and could not speak and act for them with any knowledge of their feelings and interests. He should not submit in silence to the summary and compendious mode in which that committee had undertaken to dispose of all the petitions and memorials of the new States. He would take the proper time to contest their conduct; to oppose all that they had done against reducing the price of the public lands, against granting them lands for internal improvement, as had been granted to Ohio and some others; against a delusive report for money, without any bill to grant money; against the land distribution bill; and, above all, he should take the proper time to endeavor to extract his own bill for 500,000 acres to Missouri from the stomach of the monster which had swallowed it, and from the guardianship of self-constituted protectors, who have put it where it must die, and whose gratuitous protection had deprived the State of the grant in the bill for four years past.

Mr. EWING said the Senator complained that this bill had been thrust into the land bill which had been vetoed. This bill related to the lands of one State. The committee had first provided for lands generally, and then attended to particular cases, which accounted for the circumstance of this bill coming limping in one day after the general bill.

The reports were then laid on the table.

HOUSE OF REPRESENTATIVES, JUNE 13.

Remarks which MR. MASON, *of Ohio, attempted to make (but was prevented by the previous question) in the House of Representatives, on the 13th of June, when the bill for the admission of Michigan into the Union was under consideration.*

Mr. Speaker: Before the final vote is taken, I wish to state very briefly, and by way of proposition, rather than extended argument, the reasons why I cannot vote for this bill. But let me first declare, as I do in all sincerity, that my opposition to the bill does not proceed from any feeling of hostility or unkindness towards the people of Michigan. Between them and the citizens of Ohio commercial relations have long been established, equally beneficial to both parties. If these relations, founded in mutual interests, have been disturbed by recent events, arising out of an unfortunate controversy respecting a claim to territorial jurisdiction, still I cherish the hope that this estrangement is but temporary, and that it will speedily be succeeded by the restoration of that intercourse which once so happily subsisted between them. I would invoke both parties to obliterate from their minds the memory of all past injuries and causes of irritation, and to cultivate in future that fraternal spirit of forbearance and good will towards each other which local position and other considerations seem to inculcate as a duty of reciprocal obligation.

There is one objection to the adoption of Michigan into the Union, furnished by the attitude she has assumed, which ought to postpone her application for the present, if all the principles of the bill under consideration were such as could be sanctioned. The people of Michigan, under the influence of evil counsel, and without waiting for Congress to authorize them to hold a convention to form a constitution, preparatory to their admission into the Union, proceeded at once to throw off the Territorial Government, and subvert the laws and the authorities of the United States. Michigan has done more than this: she has, without the consent of Congress, erected an independent Government within such territorial limits as she has seen proper to prescribe for herself, and has assumed the exercise of powers that belong only to sovereign States.

If I have not greatly misunderstood her position, it is one of resistance to the laws of the United States, enacted for the government of that Territory. True, it has been urged, as an apology for this conduct, that Michigan has a right to admission into the Union "on an equal footing with the original States, in all respects whatever;" and that she derives this right from the terms of the ordinance of 1787, "for the government of the Territory of the United States northwest of the river Ohio." Suppose the right claimed be conceded, still it is a right restricted not only by the conditions specified in the instrument from which it is derived, but by the power vested in Congress to prescribe boundaries to a Territory to be erected into a State, and by the further power to prescribe the manner in which it may become a member of the family of American States.

Besides, this right, whatever may be its practical extent, was not, in its creation, secured to Michigan alone; but it belonged equally, and in common, to all of the States that have been formed out of the Territory northwest of the river Ohio.

Yet, those States were admitted into the Union under acts of Congress authorizing them "to form a permanent constitution and State Government." It never occurred to their sagacity that they could rightfully emancipate themselves from their condition of pupilage, and assume, without the consent of their guardian, the mien and port of manhood. It certainly could not derogate from the dignity of Michigan, nor abridge any of her rights, to be required to enter into the confederacy in the same way and on the same conditions that the other States were compelled to observe when they applied for admission into the Union.

This attempt to force herself into the family, unbidden, is more deserving of rebuke than encouragement. And although every appearance of mere etiquette should be scrupulously rejected from the solemnities of investing a Territory with the attributes and capacities of a State, and all puerile forms excluded from the ceremony of adopting her into the Union, yet precedents established in the better days of the republic ought not to be disregarded for slight and insufficient causes. Great and striking irregularities should not, for the purpose of securing a mere sinister and temporary object, be overlooked, in a proceeding of such paramount concernment. No purpose, however patriotic, should be permitted to seduce Congress to connive at irregularities that may hereafter be seized on as precedents to justify still more daring innovations.

But, in addition to the objections I have urged against the admission of Michigan, arising out of her own conduct, there are others, founded on certain provisions incorporated into the bill under consideration, that deserve to be noticed. In the third section will be found the following very novel and most extraordinary provision:

"And the Senators and Representatives, who have been elected by the said State, as its representatives in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay."

It would be a task of no common difficulty to reconcile this provision of the bill with the 5th section, article 1st, of the constitution, which declares that "each House shall be the judge of the elections, returns, and qualifications, of its own members."

As each House is, by the constitution, made the sole judge of the elections, returns, and qualifications, of its members, the question presents itself, can both Houses jointly participate in a right which is thus expressly secured to one? It may be answered that, if one of the Houses choose to share with the other the powers and privileges that belong exclusively to itself, no wrong is done to either, and no injury inflicted on any public interest. Suppose the fact asserted by this answer be admitted, the question still recurs, in all its unmitigated force, namely, whence does the House of Representatives obtain its power of adjudication in a matter which every one knows and admits is within the exclusive cognizance of another tribunal?

Congress can exercise no power not conferred by the constitution; and no one can be found willing to assert that consent gives jurisdiction. If the two Houses can act jointly in a matter where separate action is prescribed by the constitution, so may they, by consent, act separately in cases demanding their joint action. The power of legislation is not more clearly a joint power, vested in both Houses of Congress and the President, than the power to adjourn from day to day; and to judge of the elections, &c. of members is a separate power, to be exercised by each House, to the exclusion of the other. What right has this House, in its legislative or other capacity, to say that certain individuals have been elected Senators by the State of Michigan, and that they shall be entitled to take their seats in the Senate without further delay? And what right has the Senate to interfere, as it has done, and declare that the "Representative elected by the said State shall be entitled to take his seat in the House of Representatives without further delay?" Nothing can be plainer than that each House is constitutionally incompetent to say, by a solemn legislative act, that A B has been elected, and that he is entitled to take his seat in the other. And yet this is precisely what the Senate has said in regard to a person who, it is rumored, has been elected by the people of Michigan as their Representative in this House; and, also, what we are called on to say respecting two gentlemen who it is reported have been elected by the Legislature of Michigan Senators in the Senate of the United States. This we are gravely asked to do, although their credentials have never been presented to this House, and although we are wholly in the dark as to the matter of fact, as we are clearly in the wrong as to the principle involved in this proceeding.

But, further, this bill, before it can become a law, must receive the sanction of the President.

This will be to put it in the power of the Executive to say who shall and who shall not be Senators and Representatives in the Congress of the United States. Think you his decision will not be tainted with political consid erations? But what part of the constitution is it that has confided to the Executive this tremendous power of supervising the "elections, returns, and qualifications," of the members of Congress? Yield to the Executive his claim to interpret and execute the laws as he understands them, and then add to his powers, already increased to a dangerous extent by encroachments on the other departments of the Government, the one proposed to be conceded by this bill, involving the right to decide who shall and who shall not be members of Congress, and you will have concentrated all power in the hands of one person, and completed the definition of a perfect despotism.

If the provision to which I have called the attention of the House should prove to be a mere nullity, its inefficacy will not result from its intrinsic harmlessness, as some have been willing to believe, but from the fact that it is repugnant to the constitution. I am quite persuaded that the provision will be wholly inoperative, yet we cannot shield ourselves from the reproach of unconstitutional legislation, by alleging the invalidity of our own acts.

I shall stop but a moment to discuss that proposition in the 4th section, which provides "that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by future action between Congress, on the part of the United States, and the said State, or the authorities thereof." If this provision is not enigmatical, but conveys the meaning which its language fairly imports, it introduces a new and mischievous principle into our land system. What is really intended by the expression, "the subject of the public lands shall be regulated," &c. is very difficult to comprehend; and, after considerable inquiry, I have found no one who pretends to understand it. It is said that the authors of the measure intend, what, indeed, their language obviously imports, to admit the State of Michigan to participate with Congress in the business of legislating relative to the public domain. If this is the kind of "future action" in contemplation, it amounts to a surrender of the rights of the Union to the people of Michigan; for if she is to be admitted into the confederacy without those guarantees that have been exacted from all of the other new States, for the safety of the public lands, you will never obtain the security afterwards. All just conceptions of the right to contract imply equality between the contracting parties. Michigan will demand an equivalent, a *quid pro quo*, for the concession of the right, improvidently granted to her by this bill, to interpose her authority in your legislation on the subject of the public lands. She will make you pay dearly for it, unless she is governed by more generous maxims than usually influence the conduct of communities. All attempts to amend the bill have been promptly resisted and put down by the majority, not so much because amendments are not necessary, as from a determination to pass it in the precise form it came from the Senate, so as to avoid the hazard, feigned or real, of returning it to that body. I am, therefore, compelled to vote against the bill.

House of Representatives, January 23.

Remarks of Mr. McCarty, *of Indiana, on his resolution relating to the public lands.*

Mr McCARTY, in substance, said, from what has fallen from gentlemen on my left, it may be expected that I should say something in defence of the proposition I am charged with presenting for the consideration of this House, and which has produced this unexpected discussion. Gentlemen greatly misapprehend the purport of the proposition, as well as the extent of the information it professes to obtain, or they would not manifest so much alarm on account of the great expense of printing the communications this call will produce. One gentleman [Mr. Plummer] tells the House it will cost 19,000 dollars; another gentleman [Mr. Bynum] says from 15 to 20,000 dollars. Now, with due deference to the opinion of these gentlemen, I must be permitted to differ with them on this subject. I am convinced that the expense of printing is much exaggerated; but suppose it should cost as much as they imagine, will that be a sufficient reason for rejecting the resolution? If the rumors which are abroad be true, that frauds have been perpetrated by public functionaries in the pay of the Government, will this House, on the ground of the expenditure of a few dollars, refuse to bring these frauds to light, and to expose the names of their perpetrators? If gentlemen suppose this, I think they mistake the temper and composition of this House. But, sir, said Mr. McC., those who oppose this resolution have travelled out of the record. There is no proposition for printing before the House; that question will be a subject for consideration when the information called for shall have been received. Sir, allusions have been made to the motives which produced this resolution. One of the gentlemen from Alabama [Mr. McKinley] supposes this call is merely to gratify my curiosity. I confess, Mr. Speaker, said Mr. McC., that I am somewhat anxious to see the information and correspondence which I think this call will bring to light; and my curiosity has been heightened by the discussion of this question. I am reminded by another gentleman from Alabama [Mr. Mardis] that I might obtain, in another way, the information called for in the resolution, if my motive be to ferret out fraud. Gentlemen have been kind enough to point out the course I ought to pursue, in order to obtain the desired information; but, Mr. Speaker, as men seldom act without a motive, and although I deny the right of gentlemen to question mine, yet I will state to this House the only motive which influenced me. It arises, sir, said Mr. McC., in discharge of a solemn duty I owe to the country, as one of the representatives of the American people, with a view to bring before the public information which I consider important to their interests. Sir, said Mr. McC., should the information I seek point to highly reprehensible conduct in officers of the Government, if not the perpetration of gross fraud, the fault is not mine. I introduced the resolution not without due consideration of its importance. In doing so I have pursued the course which my duty and judgment pointed out; and I will not permit gentlemen to dictate the mode by which I am to discharge my duty.

[Here Mr. Mardis disclaimed having any such intention.]

Mr. McCarty proceeded. I am glad the gentleman from Alabama [Mr. Mardis] has relieved me from the inference his remarks had forced upon me.

The member from Indiana [Mr. Lane] objects to the resolution because it does not locate the place in which and name the persons by whom frauds had been committed; and, further, that the resolution can accomplish no object; that if frauds have been committed, the perpetrator would not be weak enough to place the evidence on the files of the Department. The first objection needs no reply; but the second, I will say that I had supposed the gentleman's [Mr. Lane's] experience as a lawyer, in reference to frauds, would have satisfied him of the error, and that the most cunning are sometimes caught. Suppose, Mr. Speaker, it should turn out, upon examination of these papers, that officers of the Government to whom the President had confided the trust of communicating the truth on the subject of Indian transfers to him, have refused to certify sales to citizens fairly and justly made for a valuable consideration, because they were not the friends and subservient creatures of such officers, and that these officers afterwards certify, for favorites, sales made for the same or a less consideration! And suppose it should turn out that transfers have been made and certified to by an agent for a sum very far below the value of the lands transferred, and the agent should have a conveyance from the grantee to himself at the same time, would not an exhibition of such facts, with the dates, lead the administration and the public to the detection of abuses which it is their interest and their duty to correct?

One word more, Mr. Speaker, and I have done with this subject for the present. The introduction of this resolution has been attempted to be construed into an implication of or hostility to the Executive and the head of the War Department. Sir, said Mr. McC., such inferences are unjustified. No such motive operated on my mind, or ever entered my bosom. No man, Mr. Speaker, upon this floor entertains a higher opinion of the integrity and purity of purpose of the Chief Magistrate and the gentleman now at the head of the War Department than I do, and I trust my conduct towards these gentlemen for the last ten years will be sufficient to shield me from any such unmerited imputation. No, sir, my object is to undeceive these men and the nation, by exposing the deception of black and hollow-hearted pretended friends, who have wound themselves into the confidence of those at the head of the Government by the most consummate duplicity—those men who are influenced by no principle but self-interest. Do gentlemen think the heads of the Departments named in the resolution desire any concealment in reference to the matters embraced in this resolution? If they do, permit me to say they do these gentlemen great injustice. No, sir, if the distinguished individual who now fills the executive chair could be satisfied that fraud or deception had been practised by those engaged in the public service, there is no man in this nation but believes he would instantly remove him; and I am astonished, said Mr. McC., to see opposition to this resolution come from the quarter it does. Do gentlemen wish to shield offenders? do they wish to veil and cover the corrupt acts of public functionaries. If they do not, then give us the information—let the light shine, that the country may see what has been doing. I have, sir, said Mr. McC., devoted half my life to the public service, and I have never desired any concealment, nor do I think I have a constituent in the district which sent me here who does. If, however, there should be any, my aid cannot be obtained to that end; the official acts of public men should never be kept from the scrutiny of the people. I have no objection to the reference of the subject to the Committee on Indian Affairs, proposed by the motion of my friend from Kentucky, [Mr. Love.]

House of Representatives, April 12.

Remarks of Mr. Bell, *upon the late mission to Ohio and Michigan, instituted upon the sole authority of the President.*

Mr. BELL said he did not wish, in noticing at this time the remarks of the gentleman from Virginia [Mr. Mason] upon the subject of the recent appointment of two commissioners or public ministers to Ohio and Michigan, to which he had invited his attention on yesterday, to delay unnecessarily the bill under consideration. I have as much regard, said Mr. B., as any one, I hope, for the real interest of the country. I must take this occasion to say, I will not be deterred from doing what I believe to be my duty, by the taunts and jeers of members of this House, which we have constantly thrown out upon this floor against the course of those who have thought proper to take advantage of the appropriation bills to speak freely of the general course and condition of our public affairs. Gentlemen appear to have a great repugnance to what they call political speeches, when the business of appropriating money is delayed by them. We have every day, of late, an ardent expression of hope that no more such speeches will be made. I do not doubt the sincerity of these gentlemen; but, sir, until some better opportunity shall be presented, I shall continue, as long as these bills are under consideration, to call the attention of the House, and of the country, to every case of irregularity or abuse—to every question connected with the policy, the principles, and practices, of the party in power, which I think calls for investigation. It is my privilege, it is my duty, to do so; and no means, however unpleasant, which may be resorted to to stop the further discussion of such subjects in this House, shall prevent me from pursuing the course I have set out upon, in this respect. Gentlemen seem, from the tenor of their remarks and conduct, to suppose there is some violation of rules of order or propriety in this course. I can only say to those who entertain those opinions, that they are either ignorant of my privileges as well as their own, or they are ignorant of our duties here. It is the true parliamentary practice. It is a privilege secured by the usage of this body, and never denied until now. It is the usage of the House of Commons of Great Britain—a Government less free than ours—to discuss every question connected with the principles and conduct of those who have the direction of public affairs, whenever bills appropriating the public money for the support of Government are under consideration.

But, sir, I have a better reason for exercising this privilege upon the present, and any other appropriation bill. It is that, by the practice of this House, or rather by the policy of the majority of the House, no other opportunity for the discussion of the principles and practices of the Government is permitted to those who do not approve them? How is it, I ask the gentleman from Virginia to explain how it is, that no discussion is allowed in the House, of this nature, but upon the appropriation bills? For the first time, sir, in the history of this Government, no member of this House has had the privilege of presenting a resolution upon any subject whatever, without the consent of two thirds of the House first had and obtained; unless he would agree to waive all debate and discussion! We have now been in session four months; and although I have had resolutions lying in my desk since the first week of the session, which I proposed to offer, with a view of getting an expression of the sense of this House upon various questions suggested by the practices of the Government, and which I consider destructive of every sound principle; yet, sir, I have not had the privilege of presenting any one of these, except upon the humiliating terms I have already mentioned. When were such shackles before imposed upon the liberties and privileges of the members of this House? It is indeed a new era. It should be remembered, that these privileges are not personal; they are not for our use and advantage; they are the privileges of the public—of the people. It is essential to the public interest and the public liberty that they should be enjoyed by the members. I ask again, how it has happened that the usual rights and privileges have not been allowed at the present session? Why have not the States been called over, according to the standing rule of the House, for the purpose of offering and discussing resolutions? Until the majority of this House shall restore the ancient practice—until they shall concede the former privileges of members in the minority, they must expect that the appropriation bills will be made the occasion of much general discussion. If we cannot compel the majority to vote upon questions which decide any important principle, we shall, at least, have the poor privilege allowed us of declaring our individual sentiments, and of appealing to the people to watch the course of public affairs, and to take care of their rights.

Upon the question which I suggested on yesterday, and upon which the gentleman from Virginia [Mr. Mason] has just addressed the committee, I do not intend to enter into any elaborate argument. I thought the subject fairly presented by the motion to reduce the contingent fund of the State Department; for it is out of this fund that the late ministers to Ohio and Michigan were paid. It is the fund out of which most of the unlawful and improper allowances known in the practice of the Government are paid. I stated on yesterday that I knew of no authority, either of law or under the constitution, to justify the appointment of the commissioners sent by the Executive to negotiate with the Governors or other authorities of Ohio and Michigan last summer, and I requested that some gentleman who was better informed than I was would give the committee some information upon that point. The gentleman from Virginia [Mr. Mason] has very frankly given us his views upon the subject, and also referred us to the report made to us by the President at the first of the session upon this subject. If the gentleman from Virginia had rested the defence of these appointments upon the necessity of the case, or the extraordinary emergency presented by the belligerant dispositions of the parties to be conciliated, I would not have felt disposed to press this subject any farther at present; but the gentleman has gone much farther. He maintains the authority of the President to make such appointments, and defends it upon various grounds besides that of the extraordinary nature of the case, and the great public interest involved in preventing bloodshed between the inhabitants of two neighboring States or Territories of this Union.

It is said that there are numerous precedents of similar appointments under other administrations. I deny that there is a single precedent can be pointed out to justify the institution of the late mission to Ohio and Michigan. It is not like the case of the secret agent appointed by Mr. Jefferson to watch the movements of Burr—nor is it similar to any one of the cases alluded to by the gentleman from Virginia. The mission to Ohio and Michigan was a public one. It was announced in the official journals. All the effect of a public embassy was given to it. But, sir, I deny the authority of this appointment upon the grounds of necessity, in any view which can be taken of the subject. The Government is provided with regular organs of communication with the Governors of States and Territories. The President has a right to control the action of the officers of the Territories. If they prove faithless to their trust, he has the power to remove them, and send competent and faithful officers in their place. There were the attorney and marshal of the Territory, besides the Governor, who were under the control of this Government, and who were the proper persons to be communicated with. However alarming and perilous to the peace of the country the state of things was recently upon the borders of Ohio and Michigan, it could scarcely exceed—nay, sir, it did not by any means present—the imposing and perilous aspect which the quarrel between this Government and the State of South Carolina wore a few years ago. In that case, the conflict was between the Federal Government and one of the States of the Union. The results threatened by the collision with South Carolina were of far greater interest, and the Union itself was shaken by the conflict. So far had that quarrel proceeded, that Congress actually authorized the President to employ the army and navy in enforcing obedience to the laws in South Carolina. Well, sir, did we hear any thing about a mission? Were ministers appointed to proceed to South Carolina in that case? The commissioners appointed to negotiate with Michigan and Ohio were not private agents—they were in every sense the ministers and representatives of this Government, except that they had not the authority either of the law or constitution for the appointment. They had their regular instructions—they received a salary or allowance out of the Treasury.

The gentleman from Virginia defended this appointment upon the ground that it is the duty of the President, under the constitution, to see that the laws be faithfully executed. This is the most extraordinary doctrine of all. It is in fact giving up every thing.

If this be the true doctrine, there can be no limitation upon the powers of the President. If because it is his duty to see that the laws be faithfully executed he may appoint as many officers or agents as he pleases or thinks necessary, and that too without the advice or consent of the Senate, where is the limitation upon the powers of the Executive? Sir, could you, [Mr. Patton,] as a Virginian, sit in your seat upon this floor, in silence, and hear such monstrous doctrines maintained, without rising in your place and repudiating them as totally inconsistent with every sound principle of construction applicable to the constitution? I deny that the President, in virtue of this clause of the constitution, can appoint any one officer or agent whatever, either with or without the consent of the Senate.

But I go still farther. I deny that the President has any right whatever, under the clause of the constitution which makes it his duty to see that the laws be faithfully executed, to employ any other means, any other instruments or agents, than such as are prescribed by law in the execution of this part of his duty. He has no discretion or election in the use of means, other than the law allows. It would be a most alarming and dangerous doctrine to say that the President can appoint what officer, and as many of them as he pleases, to aid him in executing the laws. Such a doctrine would remove every restriction upon executive power contained in the constitution. The President, under pretext of executing the laws, could fill the country with officers of his appointment, who would have no other guide for their conduct but his instructions.

The case of a late mission to Alabama has been referred to as a precedent for the more recent exercise of a similar power. That is one of the cases which I mentioned on yesterday, and which I said required explanation, as well as the mission to Michigan. The attorney of the United States for this District appears to have received upwards of three thousand dollars, in the fall of 1834, for his services in proceeding to Alabama as the representative of the Federal Government, in order to conciliate that sovereignty, and to prevent a collision which was likely to grow out of a conflict of jurisdiction between the State and Federal courts. The question, I believe, grew out of some crime alleged to have been committed within the boundary of the Creek nation of Indians. Now, sir, I do not complain of the amount of money paid in this case, nor in any other. The money expended in both these cases is of but little consequence. It is the precedent of which I complain. Where is this thing to end? What limitation is there upon such pretensions in the executive branch of the Government. I know of none, sir, if these appointments be well founded. But, sir, they are not. I repeat that they were made without authority, and it becomes our duty to say so.

I desire to say that I impute no bad or unworthy purpose to the Government in making these appointments, nor do I find fault with the motives or conduct of the gentlemen appointed. They have done some service, for any thing I know; but I care not what they did. I say they were appointed without sufficient authority.

House of Representatives, December 17.

A resolution offered by Mr. Johnson, of Kentucky, for supplying the heads of Departments and bureaus, and other officers of the Government, with copies of the public documents, printed by order of Congress, coming up for consideration—

Mr. WISE said that he was utterly opposed to this resolution, on the score of economy; but, in another and much more important point of view, such a resolution was actually abhorrent to the principles of our Government, and to the independence of the legislation of this House. Sir, instead of being what we are by the constitution, an independent branch of the national Legislature, this resolution would resolve us into a mere committee, to report proceedings of the legislative department to the Executive! Gentlemen may not intend such an effect, but this resolution does, in semblance and in substance, recognise a responsibility on the part of this House to the Executive for its legislative acts and proceedings. What, sir! has it come to this, that we shall daily carry to the foot of the throne a report of our proceedings, in order to show—not to the President, but to his very underlings—"thus far have we gone," in order that they may say, "thus far shalt thou go, and no farther!" The executive department, sir, intermeddles already too much with the performance of our legislative duties and functions, and I do solemnly protest against resolving upon this written invitation to superintend and interfere with our action here, more than it has already done. I wish to preserve our own independence, and the checks and balances of our Government.

[Here Mr. Anthony, of Pennsylvania, made some remarks, which he concluded by saying that "the executive departments had a right to know what we were doing in this House."]

Mr. Wise again rose, and said that he was astonished to hear such a right admitted or claimed for the Executive on that floor. He would only call the attention of the House and the country to this claim for the Executive as a right!

Mr. JOHNSON, of Kentucky, in reply to the gentleman from Virginia, challenged him to put his finger upon any one act of executive usurpation; remarking, at the same time, that it was easy to deal in general denunciations and declarations, but more difficult to support them by facts. He (Mr. J.) looked to the voice of the people as his guide, and he doubted not that the President did. The President had been supported, in all his acts, by a large majority of the people, and could, therefore, with more reason, complain of the course of the gentleman, than the gentlemen could of his.

Mr. WISE said, in rejoinder, that the gentleman from Kentucky [Colonel Johnson] had called upon him to do that which it was the easiest thing imaginable to do. He would give him and the country the information asked for with the greatest pleasure, was happy to have the opportunity to give the gentleman a satisfactory and direct reply, and was ready and willing to put his finger upon some acts of executive interference with the legislation of that House. When I speak, however, of executive interference, I do not mean the acts of the President alone, and let me be so understood, but the acts of the whole of the Departments. Is it possible, sir, that the gentleman means it to be understood by his making this call, and by his manner of making it, that he himself does not suppose specifications of active intermeddling with our business of legislation can be made? Why, sir, the gentleman trips! Not specify acts of executive interference! Surely the gentleman knows that the constitution makes it the duty of the President to communicate to Congress, by his message, his (the Executive's) views of all our relations, and on all subjects of legislation. He is constitutionally bound to give us officially his opinions on what we should do and should not do as legislators.

But let not the gentleman understand me as pointing to this constitutional duty as one of my specifications of executive interference. To send us his message is no act of intermeddling; it is an act of duty and obligation. Sir, I do not intend to evade the gentleman's call. I never will evade any responsibility, on any occasion. I allude to this constitutional duty, to contrast it expressly with other acts which the President's or the Executive's duty forbids. I allude to it for the purpose of reminding the gentleman that the constitution fixes the measure and mode of executive interposition in acts of legislation. The constitution intends that the President shall, by a public message, call our attention to all subjects of legislative action, and that then the executive functions shall cease until we have performed our acts, and referred them to him for his constitutional sanction or veto. And the constitution intends, most cautiously and jealously intends, that whilst performing our acts, whilst deliberating, whilst discussing, whilst deciding upon laws to be passed or rejected, we shall be free and independent of executive influence. And now, sir, what I have said, meant to say, and mean to repeat, is, that we are not thus free and independent, that the Executive does intermeddle, improperly, dangerously, and frequently, with our legislative action! The gentleman asks for me to point to the instances, and I will specify some of them.

Was it not admitted the other day on this floor, by a member of "the party," and the chairman of a committee, [Mr. Sutherland,] that our committees do not make their own reports? Who does make them?—not write them, sir—make them? Who but those who are consulted, and who advise on all our leading measures, and upon the "*queue*" of the "lead" of all our measures? The underlings and all tell us what is to be done, and what not! Upon the appropriation bills, particularly, who has the chief control, the executive or the legislative department? Sir, I refer to all the members of the House as witnesses. I ask of all the chairmen of committees, of every member of each committee, if the executive department do not interfere with our legislation? Not always, perhaps, with the knowledge and consent or by the order of the President, but habitually without orders, and always in pursuance of their own interests.

But this is dealing too much in generalities for my own interest, and is trifling, comparatively, with a subject of most serious moment. I will specify a more signal and a warning instance of executive interference with the legislative action of this House by the President himself, the facts in relation to which I can verify and make good before the House and the nation.

Sir, the power of the President over a single appointment alone commanded, on this floor, thirty-five votes, at least, in favor of one of the most important executive acts which ever agitated this country or affected its interests. On no other question than the great deposite question of last session, I verily believe and have reason to know—I would, if required, make oath in support of the opinion—that the majority of the House was decidedly against the act of the President, in reason, conviction, and conscience. But, sir, the true sense of the Commons was stifled. The Speaker of the House was kept in that chair, (pointing to the Speaker's chair,) with an executive promise in his pocket, until the work of the master was finished. There sat the Speaker, like a cancer on the body politic, which ramified its roots to more than two or three, or two or three dozen seats on this floor! There were no less than four chairmen of the principal standing committees, with their eyes of aspiration fixed upon that high place, each longing to be successor to the incumbent; and besides these there was another candidate, also on an important committee. To say nothing of the subordinates on these committees, who, no doubt, were some of them willing to have their chairman, respectively, elected Speaker, to create a fair vacancy for themselves, it is surely moderate in calculation to say that each of those five candidates had at least a half dozen of zealous friends—they were poor indeed if they had not. Each candidate looked to what is here called "administration votes"—a term which imports executive interference, by the by—to elect him; and according to my arithmetic, sir, the five candidates, with their six friends each, made thirty-five votes, that, according to the worth of the prize of Speaker's chair, were morally certain to be "administration votes." Less than one third of that number of votes would, if changed from one side to the other, have changed the vote of the House on that vital question; and I presume that no one here, who sees and knows what we all see and know, can doubt that these thirty-five votes, taken as the least possible number to be affected, were not influenced by, but left free and independent of, executive influence! By the aid of these two officers, the minister to England and the Speaker of the House of Representatives, the one executive, the other legislative—one of whom the President appoints, and the other he does not actually appoint—the President, I suppose, was not enabled to command a majority on this floor! What may not our President do in legislation, when he has our Speaker for his tool? So much for specifications, by which, let it be understood, I do not intend to be involved in any personalities.

The gentleman says that he "looks to the voice of the people!" Ay, sir, and so do I, and so do we all. The time is now short—in due time, sir—yet a little while longer, and that voice shall come up to us and to high places in tones of thunder!

The gentleman says that I have denounced the President. Denounced the President! I deny it, sir. Twice have I supported the President for his office, with a zeal, if not ability, which might exert itself equally ardent again, under the same circumstances. But, sir, nor for the President, nor for myself, will I conceal facts and truths from the people, when they are so pointedly called for both by the gentleman and the good of the the country. Has it come to this, that political truth dare not be told, lest the President be denounced? Yes, sir, there is a party which makes the President "a scape-goat" for its sins, and which always takes shelter under his great name. There are those who, if their acts be denounced, always raise the cry of "denunciation against the President," who has as much reason as any man I know of to pray God to save him from some of his friends! Why should I denounce the President in the discussion of this question? He does not, I hope, call for this resolution. For the country's sake, I hope he does not desire this debasing obsequiousness from this House. No patriot can ask that one department of our Government shall humble itself to another. Sir, I hope that the gentleman himself, if he apprehended what I do from this resolution, would withdraw it and spurn it. I have that respect for him to believe—he knows that I am personally his friend—that if he foresaw the effects which I think I foresee from this, his measure, so humiliating to this House, he would abandon it at once. But, sir, I must say, not, however, in allusion to this instance, that there are too many voluntary and gratuitous offerings of fealty and flattery made to the President, which must nauseate him who is attempted to be flattered by them, which gall the spirits of freemen attached to him, and which impair the spirit of free institutions to which those freemen are still more attached. Sir, the underlings always transcend, infinitely transcend, the utmost ambition of Kings themselves in doing honor and homage; and too often are our Presidents compelled to be answerable, and made to be odious, for the officiousness of adulation and praise! I never will halt, however, in the path of my duty, because the President or his parasites stand in my way.

The gentleman has said that he did not expect such a debate as this to arise upon such a proposition. I should have been surprised, indeed, if no voice here had been raised against such a proposition. This is no small matter, either in point of the money or of the principle which is proposed to be squandered and prostrated; and I beg the gentleman to reflect that the line of march towards the concentration and consolidation of power is always begun by short steps at first, which are gradually and imperceptibly stretched into vast and fast strides, hastening onwards to the certain and fearful end of despotism!

Mr. JOHNSON, of Kentucky, then said that the gentleman had, no doubt, spoken what he believed to be true, in which he was perfectly justifiable. But what he had stated was a matter of personal opinion, in which he (Mr. J.) did not coincide. For his own part, though he had been in this and the other House for twenty-nine successive years—ever since the first session after the attack on the Chesapeake—he could conscientiously say that he had never acted under any improper influence, and had never known any other member so to act. On the occasion alluded to by the gentleman from Virginia, he had not the least doubt that every member, on one side as well as on the other, voted conscientiously, and free from executive or other improper influence. This was his opinion.

HOUSE OF REPRESENTATIVES, JANUARY 11.

Remarks of MR. HANNEGAN, *of Indiana, on his motion to reject a memorial purporting to come from the Senate and House of Representatives of the State of Michigan.*

Mr. HANNEGAN, in reply to Mr. THOMSON, of Ohio, who proposed to him to withdraw his motion to reject the memorial from "the Senate and House of Representatives of the State of Michigan," said that he felt obliged to that gentleman for the suggestion, as he entertained no doubt it was made in kindness, and so he received it; but, under existing circumstances, he must decline being governed by it. Whatever might be the opinions of the gentleman from Ohio on this question, he himself could not avoid seeing that important results to the States of Indiana and Illinois were involved. They might not be equally important to the State of Ohio; that, however, was a question to be settled by the delegation from Ohio. For himself and his colleagues, and the delegation from the State of Illinois, they were unanimous in the belief that the acceptance of the memorial by the House would be an indirect if not a direct admission of the State of Michigan into the Union, and an acknowledgment of her territorial limits as claimed by her constitution. That constitution has set up a claim to a large portion of the State of Indiana, some twelve or fifteen hundred square miles, embracing one of the fairest portions of the State, or indeed of the Union. Their right to the jurisdiction is asserted positively and arbitrarily. In so doing, they have nullified the various laws of Congress admitting Indiana into the Union, confirming her sovereignty, and defining her boundaries; all which Congress had done with a full knowledge of the facts and circumstances upon which Michigan now relied for the support of the claim she had so strongly asserted and so unwarrantably attempted to enforce. Michigan, however, had not been content with nullifying the laws of Congress alone; she had also by these acts in convention violated the federal constitution, as would be palpable to every gentleman who would examine the 3d section of the 4th article, which says, in substance, that new States may be formed, but that no new State shall be formed out of any existing States or parts thereof, without the consent of the Legislatures of such States and of Congress having been previously obtained.

Sir, said Mr. H., how is it possible for the House to receive a memorial, couched in language which gives it character as in this instance, without conceding the right of the memorialists to the corporate and soveriegn capacity they assume? If you accept one act of the State of Michigan, acknowledge her existence as such at one point, how can you refuse to receive her in any attitude she may subsequently assume? If, without qualification, this memorial should be received and referred, as desired by the gentleman from New York, [Mr. Beardsley,] with what consistency could the House to-morrow deny a seat on the floor, with full privileges, to the Representative elected by the same power that gave existence to the body which assumes to address Congress in the capacity of an independent sovereignty? Certainly this House would wish to preserve itself before the world, would desire to avoid any act, seemingly inconsistent.

But there was another point of view in which it seemed to him that the House should regard the matter before acting. He alluded to the high-handed and revolutionary measures which had marked the whole course of Michigan in asserting her right to enter the Union on equal terms with its members. Instead of pursuing the example of her sisters, similarly situated on former occasions, she had rushed violently forward, and her conduct proved a determination to seize by force upon the privileges and immunities which they had desired in peace, and received under the guarantee of law. Her whole course, from the commencement, had been marked by acts of lawlessness and arrogance, disrespectful alike to the States and the Federal Government, and he hoped the House would not lend its sanction to such measures—measures more decidedly revolutionary in tone and character than had hitherto marked the history of the Union.

It had been suggested to him by gentlemen, that the rejection of this memorial would be a violation of the great constitutional right of petition. This was not the case, as would appear after a moment's examination of the ground upon which he relied. That privilege was intended for individuals, citizens of the country, or for the established authorities, recognised by the laws. In this instance, a memorial was before us, from a pretended sovereignty, whose existence had never been acknowledged, but, on the contrary, was utterly unknown. Congress had no right to receive petitions or communications from a foreign Power; they should come to us, if made at all, through the Executive. Would any gentleman pretend that this House should receive a memorial from the Government of Great Britain, or the Provincial Parliament of Canada? Certainly not. And yet to our constitutions and laws, up to this time, they are no more alien than the State of Michigan. He wished gentlemen, therefore, distinctly to understand that no one could be farther from wishing to impair, in the slightest degree, the sacred right of petition; a right holy to every friend to liberty, and only dreaded by the minions of despotism.

The pretensions now set up by Michigan would, if they were sustained by Congress, go to deprive Indiana of the very benefits reserved to her from the date of the ordinance itself. The whole object of extending her limits on the north to the southerly bend of Lake Michigan was to afford her an outlet and a harbor, within her own jurisdiction. The intention of Michigan now appeared clearly to deprive her of these benefits. What else would it amount to, if the line should be run pursuant to the claim of Michigan? Restrict her to the southern point of Lake Michigan, where, from the very nature of things, it is impossible to construct a harbor, and you make her northern territory at once tributary to Michigan. It is this state of things that Indiana would avoid, and it is this to which she will never willingly consent.

If the States of Indiana and Illinois admit no more by sitting quietly in this stage of the proceeding, we, as their representatives, feel aware that at the least it may be leaving ground upon which hereafter a point may be made before the judicial tribunals of the country. We can neither be flattered by false suggestions nor terrified by insidious threats out of a conviction so palpable to every eye. Sir, this alone is sufficient to warn us that a precipice is before us.

These States have not, they cannot, they never will, admit the jurisdiction of any tribunal over this question other than that of arbitrary force. They acknowledge no right of interference, here or elsewhere; and such interference, whenever attempted in contravention of rights solemnly and deliberately guarantied, will be met, upon the part of the people of the State of Indiana, just as the same attempt against their rights would be met by the people of Virginia, Carolina, or Massachusetts. They will be met as the oppressed, when roused by manifold wrongs, meets the invader and the oppressor.

There is no man living who cherishes a more deep and abiding devotion to the harmony and integrity of the Union than I do. But there is a point to which, if a State once permits herself to be driven, she sinks forever a miserable and degraded object in the moral and political world. To that point the ultimate success of Michigan in relation to this boundary would drive us.

He hoped that the House would never directly or indirectly open a door to controversy involving the most serious results, and that about a matter which the repeated action of various branches of the Government had long since sanctioned as an absolute right in the States already formed.

House of Representatives, April 7.

NAVAL SERVICE BILL.

In the debate on the naval service bill, after Mr. Lane had taken his seat,

Mr. BELL, of Tennessee, said he did not rise to notice the contemptible insinuations of the member from Indiana. He rose for the purpose of enforcing the views he had heretofore given upon this subject. My object, said Mr. B., was, from the first, to press upon this House the propriety of suspending the improvements projected at Portsmouth until we had time to examine into and settle, upon satisfactory grounds, whether the public interest does not demand that the number of navy yards shall be reduced—whether a due regard to economy does not require this—but what is of more benefit, the good of the Union. We have laid before us the views of the best and ablest judges in the country. They are not only of the highest authority in point of talents and experience in this branch of the public service, but they are the first in reputation for fidelity. Theirs are not the opinions of politicians or party men, who seek to create and strengthen political influence—their fidelity is not to their party, but to their country. Until we have better or higher authority than theirs, I am for adopting their conclusions. The proposition now presented enables you to save to the country, upon navy yards and fortifications, twenty or twenty-five millions of dollars. Because we have an overflowing Treasury, is this sum too small to command our attention? I wish to be distinctly understood as not being opposed to liberal appropriations for the improvement of the navy. I would support a proposition for a considerable increase of our navy. I would also vote for the largest sum that could probably be judiciously expended during the year upon our navy yards, provided you will make a selection of a few sites which shall be agreed to be your great naval stations and yards of construction. Upon this question I feel no hostility to any particular section of the Union. I would this moment, if the proposition were made, vote as large a sum as could be expended profitably within the year upon a navy yard at Newport, Rhode Island, so strongly am I impressed with the belief that the public interest demands that there should be one established there. If the gentleman from Rhode Island [Mr. PEARCE] ever expects to have justice done to the advantages presented at this point, let me advise him that this is the favorable moment--this is the accepted time. We are about to increase largely the amount heretofore expended upon these objects; if he suffer this occasion to pass unimproved, such another is not likely to return in our time.

My object, I repeat, Mr. Speaker, in this motion, is not founded in any hostility to the navy. It is no economy I am in pursuit of that would be achieved at the expense of the naval service. A portion of the millions that are proposed to be lavished and distributed among seven or eight navy yards, I would concentrate upon some three or four, and while, by this course, we would be saving millions, we would also add greatly to the efficiency of the service. It is only in this way that we can ever expect to have any one of our navy yards upon a plan and a scale commensurate with the public interest in our navy—it is only by this course that our navy yards can ever become great manufactories of ships of war. Then, sir, the true object of the motion, besides the saving of millions of the public money, is to add to and strengthen this most important and popular arm of the national defence. It is upon the ocean that we are hereafter to meet our enemies; and whatever policy promises to increase our power upon that element in a proper degree, with the least waste of the public resources, is the one which it is our duty to adopt.

HOUSE OF REPRESENTATIVES, MAY, 1836.

Remarks of MR. JOHNSON, *of Kentucky, on the bill to pay money advanced by Charleston and other Southern cities to prosecute the Florida war.*

It is not (said Mr. J.) to give utterance to indignant feelings at the opposition to this measure that I now address the House. It is not a party measure which is before us, but a measure which calls for concert of action with all parties. It is a subject of too great importance to admit of procrastination by indulging in party invectives. Our responsibilities are not to each other, but to our constituents and to our country. Each member of this House holds the same relation to his immediate constituents, and I am willing to refer the conduct of each to that tribunal. The whole nation is interested in the course pursued by each member; and to the test of public opinion throughout the whole country each individual must submit; whether the award be censure or applause, there can be no evasion, no appeal. It is our part to act, and the part of the country to judge of our actions.

When this murderous savage war broke out in Florida, which has spread ruin and desolation to many families, and half depopulated some fair portions of that flourishing Territory, the hostile trump was heard from Charleston to New Orleans, and the patriotic citizens of South Carolina, Georgia, Alabama, and Louisiana, not willing to wait the dull delays of this House for authority, while their fellow-citizens were bleeding under the scalping-knife of the savage, flew to arms, and hastened to their protection. The service was national. It was no more incumbent upon these States to protect Florida than upon other States; but without waiting to inquire whether justice would be done by the nation, they met the impending danger. They justly regarded the citizens of that Territory as a branch of the American family; and that was enough to kindle in the bosoms of the chivalrous Southrons the fire of American patriotism. The palmetto was lost in the eagle, and his talons were stretched to grasp the hand which was lifted against their countrymen. The bill now before us makes provision to defray the expense. The emergency of the occasion did not admit of hesitancy, and moneys were advanced in the city of Charleston, and other towns in that and the other States, to meet the exigency. The great question now is, shall we authorize the payment? The honor and future safety of the country require that there shall be no hesitancy nor delay. Even while we are wasting the time by cold deliberation upon the subject, the threatening danger upon the Georgia and Alabama frontier may be bursting into a flame, and demanding similar advances upon the credit of our sense of national justice. An awful responsibility awaits him who can make this the unfortunate occasion for party crimination, for censures against the administration, and against the Committees of Ways and Means and on Military Affairs. To produce delay by complaints of irregularity, because the measure has been proposed by a committee, without an order from the House, or a reference from the House of an executive communication, or by motions and debates in favor of committal, is in effect to oppose the bill, or at least to deprive it, without any countervailing benefit, of much of its utility.

It is not the method of proceeding on ordinary occasions, to start objections upon these grounds; and how can it be reconciled to a proper sense of the duty which we owe the country in a case like this, connected as it is with the Florida and the Creek war?

I have been (said Mr. J.) a member of Congress for many years, and for more than twenty-five years have I been honored as chairman of some important committee; and during the whole of that period, the present mode of proceeding has been in practice. Whatever subject comes within the general scope of duties for which a standing committee is appointed, as well as subjects referred to them by the House, it has been the uniform custom for the committee to act upon, and report the result of such action to the House. This subject has in like manner been deliberated upon by the committee, and the result of that deliberation is presented in the bill before us. It is simply to refund what has been liberally advanced in the hour of danger by those patriotic States, at a time when the honor and safety of our common country required the advance for the use of the nation, before the national coffers could be unlocked for the purpose. Whether that money was paid regularly, according to specified forms, or not, or whether the requisitions in which it was paid were drawn, *verbatim et literatim*, according to the usual forms, is to me a matter of no importance. If one of your family is perishing with starvation, and your friend will purchase food for his relief, you will not inquire into the form in which he made the payment; it will be sufficient for you to know that the benefit was received. So, in this case, it is sufficient for me to know that the money was advanced; that it was expended in the public service, and that the country received its value. Deeds of patriotism like this merit a public acknowledgment, rather than a dull, protracted, reluctant compliance with the imperative demand of justice. We should faithfully and promptly refund the last cent advanced in such a case. We should do it, because it is the dictate of justice—because honor requires it—because the character of this House and of the whole nation demands it. We should do it to show to the world that the impulse of patriotism is not despised by a republic; and to inspire in our citizens a confidence that voluntary sacrifices in the extremity of danger shall be cheerfully and promptly remunerated.

The amendment proposed to the bill is merely to explain a former law of a similar character. It proposes to pay for the services of the volunteer militia who were called into service by the commanding general in the first moments of the Seminole war. The sudden rupture of the savages was like an unanticipated flame breaking out in the midst of a city, which requires the immediate exertions of the firemen to subdue. A little delay would involve the whole town in irrecoverable ruin. So the ravages of the Indians, if permitted to pursue the work of devastation till despatches could be sent to the seat of Government, and an order issued from the Executive for calling out the militia, would have completed the work of destruction through the whole of the country where it raged. The commanding general, as in duty bound, called for militia aid to check the ravages of this desolating war, and the patriotic citizens volunteered their services. They were gladly accepted. These are the citizen soldiers who have been braving the dangers and enduring the storm of that sanguinary conflict, whose services have been recognised by the Government, that the amendment proposes to pay. They made the first sacrifice in their country's defence; met the danger at the threshold, and voluntarily poured out their blood upon the altar of their suffering country. We intended to provide for their pay, and thought we had done so by a law already passed; but, in the multiplicity of business, there was an accidental omission in the framing of the law to meet their case. The amendment proposed is only to give such an extent to the application of that law as to embrace the case of these men, and so carry into effect our declared intention. Upon this bill and this amendment, subjects as plainly just and as clear to the understanding as the simplest proposition that could be stated, we are consuming the day, and wasting the precious time of the House, in animadversions that have no direct bearing upon the subject. Is this the proper theme for introducing fastidious complaints and party denunciations against the administration of the Government? Or are there no questions that can arise, even upon the common measure of justice between citizens and their Government, but what must be converted into party strifes? Among other complaints, imputations have been made against those who are conducting the war in Florida, as if our regular officers, whose business and whose duty it is to obey the orders of any Executive, were political partisans. These censures are, at least, premature. The officers of the regular army are in command there; men who, on former occasions, have given incontestable proof of their valor, their devotion to the country, and their capacity to conduct military operations. Though at this distance it would appear that more ought to have been done, yet we are not acquainted with all the difficulties which they may have had to encounter. The character which they have established ought to be regarded as a pledge of their good conduct in the present trial, and should at least shield them from censure till all the facts are known; and if it shall then appear that they have not done the best that could be done, of which we have as yet no evidence, it will not establish any charge against the volunteers who have obeyed the laws of the country by placing themselves under their command. The regular army is otherwise provided for; this bill and its amendment have reference only to the volunteer militia. Look at their character, and we cannot doubt their bravery nor their patriotism. The Southern volunteers have ever sustained the high character of American soldiers. Their deep sense of honor; their disregard of danger; their nobleness of soul in the camp, and their chivalry in the field, are but their common characteristics; and after volunteering their services to meet the first shock of defensive war, we cannot presume that they would prove recreant to every thing dear to themselves. We know that they are incapable of it. They have unfurled their country's banner, and have marched under it to defend it from insult; and the result must show that they will have sustained its honor. It is our part to provide the means; to pay them the pittance to which their services entitled them, and they will not be sparing of their blood in the day of battle. Let us pass this bill, with the proposed amendment, without a moment's delay, and it will be time enough for us to complain after we learn that there is cause for complaint. Till evidence appears to the contrary, let us not indulge a suspicion that an officer, bearing a commission in the American service, whether regular or militia, is deficient either in courage or conduct. Complaints, in advance of evidence, are alike dishonorable to our country and to the feelings of our gallant officers and soldiers. Let us discharge the debt of justice, and withhold our censures till a knowledge of facts shall warrant them.

Much stress appears to be laid upon the fact that, for this amendment, which provides for the payment of the volunteers, no communication has been made to the House by the Secretary of War, recommending the measure, and that the subject has not been especially referred to the committee by the House. It appears to be a very recent thing with some gentlemen to have transferred all confidence to themselves by the Secretary of War, so as to be incapable of acting upon the most simple proposition without his recommendation. I would remind them that the proposed amendment is founded on official information from the War Department; that the men who claim the pay have faithfully served their country as represented; and that no provision is made by which they can receive their pay. Now, sir, where is the independence of the members of this body, if they cannot act upon their own responsibility in matters of plain justice? When all the facts are before us, must we fear to act without the direction of an executive officer to govern us in legislation, and bear the responsibility of our measures? Our constitutional duty is to legislate, and that of an exective officer to execute the law. When all the facts are made known to us, we must act upon our own responsibility; and, right or wrong, we must bear that responsibility, whether recommended or not. In the case now before us, there is no imposition, no deception. It is a plain proposition, founded on plain matters of fact; and the House must adopt or reject it. We must in the case do justice, or withhold the demands of justice; and every member will act upon his own responsibility.

It is wise, on ordinary occasions, to refer propositions to committees, that the information out of which they grow, and their minute details, may be more thoroughly investigated; but the decisions of committees are always subject to the House, and it is the right of any member to propose amendments to measures reported to the House by committees. The practice has ever prevailed; and to be deprived of this right would be to fetter legislation with a clog which it could never bear.

Independence in legislation by the representatives of the sovereign people is of the first importance to the preservation of our liberties. It is in this House that their voice is more immediately heard than in any other branch of our Government. Its value cannot be overestimated, nor its dignity too carefully preserved. The most sacred regard to justice should characterize all its measures. It is a convention of the nation itself; and, upon the purity, the intelligence, and the independence of this House, more than upon any other department of Government, the liberties of this nation, the last hope of man, essentially depend.

It is always with reluctance that I trespass upon the time of the House; but, in defence of the Military Committee, from whom the measure emanated, I have been compelled to submit these remarks.

Debate on the bill for admitting the State of Arkansas into the Union.

On Monday, the 6th of June, Mr. JOHN QUINCY ADAMS presented to the House of Representatives the following twenty-two memorials and remonstrances:

1. Memorial of George Atkinson and 94 citizens of Harrison county, Ohio, praying that Congress would take measures to obtain a repeal of the constitution of Arkansas, which allows slavery, before admitting that State into the Union.

2. Petition of Francis B. Bacon and 327 inhabitants of Massachusetts, remonstrating against the article in the constitution of the State of Arkansas, denying to the Legislature the power of emancipating slaves without the consent of their owners.

3. Remonstrance of George Russell, Seth Drew, and 24 inhabitants of Kingston, Plymouth county, Massachusetts, against the admission of Arkansas into the Union as a slave State; and praying Congress not to sanction the article concerning slavery in the constitution of that State.

4. Remonstrance of Samuel Reed and 210 male inhabitants of Abington, Massachusetts, against the article in the constitution of Arkansas denying to the Legislature the power of emancipating slaves without the consent of their owners.

5. Remonstrance of Samuel Mullikin and 90 inhabitants of Dorchester, Massachusetts, against the slavery article in the constitution of Arkansas.

6. Remonstrance of Joseph Sawin and 72 inhabitants, male and female, of Weston and Wayland, Massachusetts, against the article in the constitution of Arkansas respecting slavery.

7. Remonstrance of M. W. Bacon and 58 ladies of Dorchester, Massachusetts, against the article in the constitution of Arkansas respecting slavery.

8. Remonstrance of Levi Vinal and 510 inhabitants of Scituate, Massachusetts, against the slavery article in the constitution of Arkansas.

9. Remonstrance of Joseph Faxon and 72 male inhabitants of Randolph, Massachusetts, remonstrating against the admission of Arkansas into the Union with the article relating to slavery in her constitution.

10. Remonstrance of Lucius W. Clark and 39 inhabitants of Plymouth, Massachusetts, against the admission of Arkansas, as a slave State, into the Union, and against the slavery article in her constitution.

11. Remonstrance of Rebecca Burbank and 100 females of Plymouth, Massachusetts, against the admission of Arkansas into the Union as a slave State.

12. Memorial of William Hamed and 11 citizens of Philadelphia, remonstrating against the admission of Arkansas, with the slavery article in her constitution, into the Union.

13. Memorial of George Russell and 13 citizens of Pennsylvania, remonstrating against the slavery article in the constitution of Arkansas.

14. Remonstrance of Fisher A. Kingsbury and 147 citizens of Weymouth, Massachusetts, against the slavery article in the constitution of Arkansas.

15. Remonstrance of H. C. F field and 255 female inhabitants of Weymouth, Massachusetts, against the article concerning slavery in the constitution of Arkansas.

16. Remonstrance of Nathaniel Philips and 55 inhabitants of Marshfield, Massachusetts, and its vicinity, against the article concerning slavery in the constitution of Arkansas.

17. Remonstrance from William Burrows and 23 inhabitants of Carver, Massachusetts, against the admission of Arkansas into the Union as a slaveholding State.

18. Remonstrance of Thomas Shotwell and about 250 citizens styling themselves inhabitants of the counties of Belmont and Monroe, Ohio, against the admission of Arkansas into the Union with the article concerning slavery in her constitution.

19. Memorial of Aaron Pancoast and 118 inhabitants of Pennsylvania, against the article concerning slavery in the constitution of Arkansas.

20. Memorial from William Smith and 80 citizens of Ohio, against the article concerning slavery in the constitution of Arkansas.

21. Remonstrance of Ethan Davis and 73 inhabitants of Holden, Massachusetts, against the admission of Arkansas into the Union as a slaveholding State.

22. Remonstrance of Artemas Keyes, and 233 inhabitants of West Boylston, Massachusetts, against the article concerning slavery in the constitution of Arkansas.

On the preceding 25th of May, the House, by the administration of the previous question, had adopted the following resolutions, reported by a select committee appointed to consider and report upon a great multitude of petitions for the abolition of slavery and the slave trade in the District of Columbia:

"*Resolved*, That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy.

"*Resolved*, That Congress ought not to interfere, in any way, with slavery in the District of Columbia.

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

"*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating, in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Upon these resolutions the previous question had smothered all debate. Mr. ADAMS, before voting against the first resolution, had asked only five minutes of time to explain the reasons of his vote, and to prove that the resolution was utterly unfounded, and had been refused. He had also voted against the second resolution; and when his name was called by the Clerk on the third resolution, he had risen in his place and answered, "I hold the resolution to be a direct violation of the constitution of the United States, of the rules of this House, and of the rights of my constituents."

In the journal of the House, made up under the direction of the Speaker, this answer of Mr. ADAMS was not only unnoticed, but his name was entirely omitted, as if he had not been called to answer upon the yeas and nays at all.

This error of the journal, Mr. ADAMS, when it was read the next morning, had moved to have rectified by inserting his name, as it had been called, and his answer. This rectification of the journal was refused by the majority of the House; but the fact that his name was called, and his answer, were necessarily recorded upon the journal then, by the proceedings of the House upon his motion to amend the journal, and by the yeas and nays taken upon it. When, on the 6th of June, Mr. ADAMS presented the above twenty-two memorials and remonstrances, he announced each of them separately, with the name of the first signer, and the number of signatures following it. The Speaker decided that each of them successively should, by virtue of the above-mentioned third resolution, be laid on the table, and of course that there should be no further action of the House upon them.

On Thursday, the 9th of June, the House went into Committee of the Whole on the state of the Union upon two bills; one to fix the northern boundary of the State of Ohio, and for the conditional admission of the State of Michigan into the Union; and the other for the admission of the State of Arkansas into the Union.

The bill for fixing the northern boundary of the State of Ohio, and the conditional admission of Michigan into the Union, was first taken up for consideration, and gave rise to debates which continued till near one o'clock of the morning of Friday, the 10th of June: repeated motions to adjourn had been made and rejected. The committee had twice found itself without a quorum, and had been thereby compelled to rise, and report the fact to the House. In the first instance, there had been found within private calling distance a sufficient number of members, who, though absent from their duty of attendance upon the House, were upon the alert to appear and answer to their names to make a quorum to vote against adjourning, and then to retire again to their amusement or repose. Upon the first restoration of the quorum by this operation, the delegate from Arkansas said that if the committee would only take up and read the bill, he would not urge any discussion upon it then, and would consent to the committee's rising, and resuming the subject at the next sitting of the House. The bill was accordingly read; a motion was then made for the committee to rise, and rejected; an amendment to the bill was moved, on taking the question upon which there was no quorum. The usual expedient of private call to straggling members was found ineffectual. A call of the House was ordered, at one o'clock in the morning. This operation, to be carried through all its stages, must necessarily consume about three hours of time, during which the House can do no other business. Upon this call, after the names of all the members had been twice called over, and all the absentees for whom any valid or plausible excuse was offered had been excused, there remained eighty-one names of members, who, by the rules of the House, were to be taken into custody as they should appear, or were to be sent for, and taken into custody wherever they might be found, by special messengers, appointed for that purpose. At this hour of the night the city of Washington was ransacked by these special messengers, and the members of the House were summoned from their beds to be brought in custody of these special messengers, before the House, to answer for their absence. After hearing the excuses of two of these members, and the acknowledged no good reason of a third, they were all excused in a mass, without payment of fees; which fees, to the amount of two or three hundred dollars, have of course become a charge upon the people, and to be paid with their money.

By this operation, between four and five o'clock of the morning, a small quorum of the House was obtained, and, without any vote of the House, the Speaker left the chair, which was resumed by the chairman of the Committee of the Whole.

The bill for the admission of Arkansas into the Union was again taken up; the amendment moved before the call of the House was renewed, discussed, and rejected; other amendments were proposed, and shared the same fate.

About 6 o'clock in the morning a motion was made that the committee should rise, and report the bills, when Mr. Adams moved an amendment to the eighth section of the bill for the admission of Arkansas; to understand the import and bearing of which it may be necessary to quote the part of the section into which he proposed its insertion. In the following citation, the words proposed by him for insertion are those enclosed in brackets.

"Sec. 8. *And be it further enacted,* That the State of Arkansas is admitted into the Union upon the express condition that the people of the said State shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State; and nothing in this act shall be construed as an assent by Congress [to the article in the constitution of the said State in relation to slavery and the emancipation of slaves, or] to all or any of the propositions contained in the ordinance of the said convention of the people of Arkansas, nor to deprive the said State of Arkansas of the same grants, subject to the same restrictions, which were made to the State of Missouri, by virtue of an act entitled an act to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved the 6th day of March, 1820."

When the amendment had been read by the Clerk, and the question stated, Mr. Adams addressed the chairman of the committee to the following effect:

Mr. Chairman: On Monday last I had the honor of presenting to this House twenty-two memorials and remonstrances, most of them numerously signed, by citizens of the States of Ohio, of Pennsylvania, and of Massachusetts. Twelve of these memorials were from the congressional district which I represent, from my own constituents, male and female; for, in New England and elsewhere, the vote of the men is the vote of the women; and I consider the wives and daughters of the men who vote at my election, whether for me or for any other person, as much my constituents, for all purposes by which I can, as their representative, serve them in this House, as if every individual had deposited in the ballot-box a vote in my favor.

I was, then, bound in duty to present these memorials and remonstrances to the House; and if that duty was of perfect and irremissible obligation, with regard to those which came from my own immediate constituents, I felt it as not less imperative with regard to those which, proceeding from remoter distances, and from persons entirely unknown to me, carried with them a manifestation of confidence reposed in me by the memorialists, which it was not less my sacred duty to justify by a grateful return.

I felt it, therefore, my further duty to invite the House to listen to these memorials and remonstrances, to examine their complaints, and, so far as might be consistent with the duties of the House to their other constituents and to the nation, to relieve the complainants, and to remove the grievance against which they remonstrate.

In the memorials from my own district I recognised among the signatures the names of persons well known to me as citizens, for intelligence, integrity, and benevolence, surpassed by none others in this Union. I had made inquiries concerning the characters of others of the memorialists, not known to myself, and had received testimonials from sources entitled to unqualified credence, and from persons in nowise favoring the purposes of the memorialists; testimonials to their integrity and respectability which could leave in that respect not the shadow of a doubt upon my mind.

The memorials and remonstrances, differing somewhat from one another in their language and phraseology, all complained of one article in the newly formed constitution of Arkansas; and all the remonstrances were against the admission of Arkansas into the Union as a slave State.

The obnoxious article of the constitution of Arkansas is the first section of the second division of the ninth article, and is in the words following:

"*Emancipation of slaves.*

"Sec. 1. The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of the owners. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have power to prevent slaves from being brought to this State as merchandise, and also to oblige the owners of slaves to treat them with humanity."

Mr. Chairman, I cannot, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their constitution, I cannot object to the admission of Arkansas into the Union as a slave State; I cannot propose or agree to make it a condition of her admission, that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi, and Alabama, and Missouri, have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territories all the rights, privileges, and immunities, of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. As Congress have not power in time of peace to abolish slavery in the original States of the Union, they are equally destitute of the power in those parts of the territory ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition. Slavery is in this Union the subject of internal legislation in the States, and in peace is cognizable by Congress only, as it is tacitly tolerated and protected where it exists by the constitution of the United States, and as it mingles in their intercourse with other nations. Arkansas, therefore, comes, and has the right to come into the Union with her slaves and her slave laws. It is written in the bond, and, however I may lament that it ever was so written, I must faithfully perform its obligations.

I could not, therefore, propose or support the specific measure desired by the memorialists, which was to impose a restriction upon the people of the State of Arkansas, by requiring of them, as a condition of their admission into the Union, that they should expunge from their constitution the article concerning slavery. I did not think it within the legitimate powers of Congress, under the present existing circumstances, to impose upon the State of Arkansas any restriction whatever, with relation to slavery, in the formation of her constitution. Upon the same principle, I had been opposed to the proposal of restriction upon the State of Missouri, at the time of the first Missouri question; for there were two Missouri questions, differing much from each other, and which were debated at two successive sessions of Congress. The second was that finally adjusted by the compromise. The first was that in which the restriction was proposed, and my opinion had at the time been freely expressed against it.

But then I disapproved, as I now disapprove, of slavery as a civil institution. As a citizen, and as a man, therefore, I disapprove of that article in the constitution of Arkansas, the object of which is to perpetuate slavery. In voting for the acceptance of that constitution, and for the admission of the State into the Union, I do not hold myself bound to approve of all its internal regulations; but doctrines have been recently broached, and are now countenanced by the transfer of the lawful possessions of Michigan to the State of Ohio, which make it, in my judgment, proper, and perhaps necessary, that Congress, the representatives of that federation, compounded partly of slaveholding and partly of entirely free States, should disclaim all approbation of, or assent to, that article in the constitution of Arkansas. I propose no restriction upon her. I am content to receive her as one of the slaveholding States of this Union; but I am unwilling that Congress, in accepting her constitution, should even lie under the imputation of assenting to an article in the constitution of a State which withholds from its Legislature the power of giving freedom to the slave.

In this very section of the bill now before the committee, Congress refuse their assent to propositions, made by the convention of the people of Arkansas which formed their constitution, and were transmitted with it. My proposed amendment, very short and simple, is in perfect accordance and keeping with the remainder of the section, as it stands in the bill now before the committee; and although I cannot flatter myself that it will be satisfactory to those of my constituents and fellow-citizens who have thought proper to commit their memorials and remonstrances to me, it will at least secure to me the consciousness of having discharged my duty to them, to my country, and to that reverence for the rights of mankind, which rejects, without reserve, the principle that, by the law of nature or of God, man can be the property of man.

Upon this topic I will not enlarge. Were I disposed so to do, twenty hours of continuous session have too much exhausted my own physical strength, and the faculties as well as the indulgence of those who might incline to hear me, for me to trespass longer upon their patience. When the bill shall be reported to the House, I may, perhaps, again ask to be heard, upon renewing there, as I intend, the motion for this amendment.

[Mr. Adams resumed his seat, and Mr. Wise addressed the committee. The debate was continued by Mr. Briggs, Mr. Cushing, Mr. Hoar, and Mr. Hard of New York, and by Mr. Wise, in reply, particularly, to Mr. Cushing. There was great disorder and confusion in the hall, occasioned chiefly by calls for order, and vociferations of the word "question." Personal reflections passed between some of the members, and an affair of honor afterwards followed between two Southern gentlemen, which was, however, finally adjusted without bloodshed. The chairman of the committee, with great and indefatigable exertions, succeeded so far in restoring order that Mr. Hoar was heard with respectful attention. After he took his seat, as the question was about to be put, Mr. Adams addressed the committee to the following import:]

Mr. Chairman, it was not my intention to have troubled the committee with another word upon the subject of my proposed amendment. But the gentleman from Virginia [Mr. Wise] has been pleased to propound to me a number of direct questions, two or three of which I heard, and to them I am willing to give direct and explicit answers. For, however widely I differ in opinion from him on this and most other occasions of common deliberation in this hall, I will do him the justice which he has done me, and say that there is nothing of indirection or ambiguous giving out in him. His course is straight forward, and you may always know where to find him. And, sir, in the intercourse of public or private life, I hold in higher esteem an adversary of such a character, than the political vane upon the steeple, whose friendship and whose opinions swing round the compass with every variation of the winds, and are steadfast only to the breath of the breeze.

One of the gentleman's questions which I heard was, from whence this amendment came? I answer him directly that it came from me, and from me alone, without consultation with any other human being. There was no abolition gunpowder plot in it; but, in claiming it as all my own, I shall not record a specification of it in the Patent Office as for an ingenious invention or a profound discovery. It laid in my way, and I took it up. A respectable portion of my constituents, and many others of my fellow-citizens, had charged me with the duty of presenting their memorials against the slavery article in the constitution of Arkansas. Multitudes of others had intrusted to me their petitions for the abolition of slavery and the slave trade in the District of Columbia. Great numbers of petitions, memorials, and remonstrances, of the same purport, had been presented by my colleagues, and by other members of the House. I had been earnestly solicited to support, as far as my very slender influence in this House might extend, and as far as my own convictions of truth and justice would admit, the prayer of those petitions, and the purpose of those remonstrances and memorials. I could not support the immediate abolition of slavery in the District of Columbia. I could not resist the admission of Arkansas, notwithstanding the slavery article in her constitution, into the Union. But there was a point of concession to the slaveholding interests of the South, from the representatives of none but freemen in this House, where it appeared to me not only just, but indispensably necessary, to stop.

Slavery, taking advantage of political influences, operated just at this time at the North upon the prospects of the presidential election; taking advantage (I must say no very generous advantage) of that kind, friendly, and compassionate feeling of Northern freemen for their brethren and fellow-citizens, the slaveholders of the South, which, during the last twelve months, had universally pervaded the Northern region of the country, and urged our people sometimes even to riotous excess against the peaceable, warm-hearted, but honest-hearted enthusiasts of human liberty: slavery, I say, in the confidence of her temporary reinforcement from sources foreign to her own character, had changed her tone, and was aiming blows of deadly intent at the freedom of her Northern associate itself. She had struck at the right of petition and the freedom of speech in this House; she had struck at the freedom of the press, and at the freedom of the post office, both in this and the other branch of the Legislature, and by the express recommendation of the Chief Magistrate of the Union; she had struck at the liberty and the life of a free citizen of a Northern State, by demanding that he should be delivered up, innocent of all offence, as he was, against the laws of the State in which he dwelt, to the tender mercies of her felony, without benefit of clergy. I had seen the twenty-two memorials and remonstrances which I had presented, and many others of the same import, the moment they had reached the hands of the Clerk, ordered by the Speaker to be laid on the table, without reading, without knowing what they contained, without the privilege of being considered, by a general stigmatizing interdict, more insulting than would have been an absolute refusal to receive them. The article in the constitution of Arkansas, cutting off the last hope of emancipation to the end of time, by withholding from the Legislature even the power of ordaining it, I strongly disapproved. The House had treated all these memorials and remonstrances in behalf of freedom as if they were afraid to hear them read, afraid to look them in the face, afraid even to squint at them. In reading this eighth section of the bill before the committee, it appeared to me that the amendment which I offered was so congenial to its spirit, that, if inserted at the place proposed, it would appear altogether as if it had been a part of the section as originally drawn up. The amendment falls infinitely short of the Missouri restriction, and is entirely congenial to the spirit of the constitution itself. Unable as I was to propose the restriction desired by the memorialists and remonstrants, yet, believing that the occasion required of me an avowal of those opinions and principles, the only guardians of the freedom of my constituents, I was desirous of manifesting them in the form the least offensive possible to the slaveholding portion of the community. I wished to plant the standard of freedom at the very lowest point of its elevation, and, by conceding to slavery every thing required by the common compact, yet adhering to those self-evident truths proclaimed in the declaration of independence, to utter the minimum of the sentiments which I believed my constituents would never resign but with the last drop of their blood. At every former period of our history, I should have expected that the representatives of the slaveholding States in this House would readily have accepted this, as far more favorable to them than the Missouri compromise. Now, my object is to fulfil the duty devolved upon me by my constituents, and to leave the decision where it properly belongs. I am not aware of any other question of the gentleman from Virginia which requires an answer from me, particularly after the eloquent address of my colleague behind me [Mr. Cushing] has already answered them so much more effectually than I could have done myself.

Mr. Wise rose, and inquired whether in the opinion of the gentleman from Massachusetts, [Mr. Adams,] if his amendment should prevail, the State of Arkansas would, by this bill, be admitted in the Union?

Mr. Adams. Certainly, sir. There is not in my amendment the shadow of a restriction upon the State. It leaves the State, like all the rest, to regulate the subject of slavery within herself to her own laws; and how far that comes short of the concessions required from the slaveholding interest by the Missouri compromise, it is easy to judge by reference to the transactions of that time; for in the act of 6th of March, 1820, to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of that State into the Union, slavery was and is forever prohibited in all the territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the State of Missouri. And this was the first Missouri compromise; not the abolition, but the prohibition by Congress, forever, of slavery in that portion of the Louisiana Territory where it had not then penetrated. And, secondly, when the constitution of the State of Missouri was formed, there was an article on the legislative power, the fourth clause of the twenty-sixth section of which, defining the powers and duties of the General Assembly of the State, was in these words: "It shall be their duty, as soon as may be, to pass such laws as may be necessary, first, to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever."

Nearly the whole of the second session of the 16th Congress was consumed in debates whether the State of Missouri should be admitted into the Union, without requiring of her that this clause should be expunged from her constitution, and the session terminated with her conditional admission, by a resolution of 2d March, 1821, in the following words:

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental conditions that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental conditions, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.

This was the second Missouri compromise; and, conformably to this resolution, the Legislature of the State of Missouri did, on the 26th of June, 1821, by a solemn public act, declare the assent of the State to this fundamental condition. A copy of this solemn act was transmitted to the President of the United States, who, after consultation with all the members of his administration, and after taking from each one of them his opinion in writing, issued, on the 10th of August, 1821, his proclamation, declaring that the admission of the State of Missouri into the Union was complete.

Now, sir, there is in the amendment proposed by me nothing comparable, as concession from the slaveholding to the free States, to this Missouri restriction. I propose no restriction at all. I simply ask that my constituents, as parties to this compact of admission with Arkansas, may not be constructively held to have given their assent to this perpetuation of slavery, placing it beyond the reach of the legislative authority.

And this reservation is entirely conformable to the spirit of the constitution of the United States. That instrument, containing in four different places arrangements having reference to slavery, does not, in any one of them, recognise the existence of slavery or of slaves; neither of the words is to be found throughout the constitution. Its founders were unwilling that the frame of Government, ordained expressly by the people, to secure to themselves and to their posterity the blessings of liberty, should be polluted even by the name of slavery. Thus, when they provided that the slaveholders should enjoy that most extraordinary privilege of representation of the persons of their slaves in this hall, they adopted a circumlocution, and, after enumerating free persons, those bound to service for a term of years, and Indians not taxed, including every description of human beings, slaves alone excepted, then endowed their masters with the right of representation for three fifths of "all other persons."

Thus, in the ninth section of the first article, which denied to Congress the power, prior to the year 1808, of prohibiting the slave trade, that detestable traffic was described, not by its proper name, but under the gentle denomination of "the migration or importation of such persons as any of the States now existing shall think proper to admit."

Again: the second section of the fourth article, which stipulates for the arrest and delivery up of fugitive slaves, does not name them as such. It says: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

And, in the fourth section of the fourth article, it is provided that the United States shall, on the application of the Legislature or of the Executive of any one of the States, protect the same against domestic violence; an expression, if not exclusively confined to servile insurrection, undoubtedly selected with special and emphatic reference to it.

In no one of these four passages are slaves recognised as property. In the first three, where the reference to them is direct, they are expressly designated as persons—persons to be represented in Congress, not by themselves, but by the votes of their masters; persons whom the then existing States might think proper to admit; persons held to service or labor, to be delivered up on claim of the party to whom such service or labor may be due. Not only is there no recognition of slaves as property, not only are they constantly referred to as persons, but in every instance they are so described that the engagement contracted with relation to them might be applicable to classes of persons other than slaves; and this studious uniformity of language throughout the whole constitution could only arise from the determination to exclude from it any acknowledgment of slavery, as forming a component part of the supreme law of the land.

It was in this spirit of mutual concession and conciliation that the constitution of the United States was formed and adopted, and it is in this spirit that I offer the amendment now before the committee. I will trespass no longer upon their indulgence, but will submit a few observations more upon the subject, when the bill shall be reported to the House.

NOTE.—The amendment proposed by Mr. ADAMS was rejected in Committee of the Whole by a vote of 32 to 90. Mr. SLADE, of Vermont, afterwards moved another amendment relating to the slavery articles, which was also rejected; and the bill was reported without amendment to the House. On Monday, the 13th of June, it was taken up, according to the customary usages, for consideration in the House. Immediately after the bill had been read, Mr. ADAMS sent to the Chair the same amendment that he had offered in Committee of the Whole, and remained standing till it should be read, and the question upon it should be stated by the Speaker, intending to address the House in support of it. Immediately after the amendment was read, and when the question had not been stated, Mr. WILLIAMS, of Kentucky, rose and moved the previous question. Mr. ADAMS denied the right of this gentleman to make that motion at that time; he (Mr. A.) being, by the rules and usages of the House, entitled to the floor. The Speaker, fully aware that this claim was indisputable, said: "The gentleman from Massachusetts will proceed." Mr. WILLIAMS insisted upon the demand for the previous question; and the Speaker, who, not half a minute before, had called upon Mr. ADAMS to proceed, now decided that Mr. Williams was entitled to it, and that the previous question should be put. From this decision Mr. ADAMS appealed, and the decision of the Speaker was sustained by the following vote: Yeas 97, nays 87.

The constitution of the United States expressly prescribes that the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal. The effect of the above decision was to annul, for the occasion, that provision of the constitution of the United States. By allowing a member to move the previous question, after Mr. ADAMS had sent his amendment to the Chair, and after it had been read, but before the Speaker had stated, as was his duty to do, the question upon the amendment, he deprived Mr. ADAMS of his constitutional right of having the question upon his amendment taken by yeas and nays. The previous question was put and carried. The main question was upon the engrossment of the bill for the third reading; and by another previous question at the third reading, on the same day, the bill was passed.

The next morning, June 14, Mr. ADAMS was accidentally detained from the House, so that he was not present at the reading of the journal. Upon examining, in the course of the day, the manuscript of that record, he found that the statement of the proceedings of the House upon his proposed amendment, as first made upon the Clerk's minutes for the journal, had been so altered, by erasures and substitutions, that the decision of the Speaker, and the vote of yeas and nays, were made to appear on the face of the journal different from the fact.

The original statement on the minutes for the journal was in these words:

"Mr. Adams objected to the right of Mr. Williams to the floor [to move the previous question, or to make any other motion, and stated] that he had not yielded the floor, after having submitted his motion to amend, but had remained standing, [and waiting the reading of the] amendment, [and the stating the question thereon, with the intention of speaking to the said amendment."]

This statement was conformable to the fact; but the journal, which is made up under the direction of the Speaker, was so altered, that all the words here printed in brackets were scored out with a pen, and the journal was made to read thus:

"Mr. Adams objected to the right of Mr. Williams to the floor, on the ground that he had not yielded the floor after having submitted his motion to amend, but had remained standing, whilst the Clerk was reading his amendment."

By this alteration, the material part of the ground upon which Mr. Adams's objection to Mr. Williams's right then to move the previous question had been stated by him, was suppressed; his reference to that, which was the duty of the Speaker himself, the statement of the question upon the amendment, was suppressed; and the Speaker's own decision in favor of the right of Mr. Williams, and against the right of Mr. Adams to the floor, appears materially different on the journal from what it was in fact. Upon Mr. Adams's appeal from the decision, a majority only of ten votes sustained the Speaker. Had the statement of Mr. Adams's objection, and the ground of his appeal, been suffered to remain on the journal as they had been entered on the Clerk's minutes, the journal would have been a record of the fact.

After discovering this alteration of the journal, so essentially differing from the fact, Mr. Adams, before the adjournment that evening, mentioned it to the House; and the next morning, the 15th of June, exhibited the statement to the House of the original minutes of the journal, and of the alterations made by the direction of the Speaker. And as the suppressed parts of the original minutes were the material parts of his own grounds of appeal from the decision of the Speaker, he moved that the journal of the 13th should be restored, conformably to the original minutes of the Clerk. This motion was rejected, after debate, by yeas and nays, chiefly upon the ground that the journal is amendable only at the time when it is read. But the fact of the grounds of Mr. Adams's appeal from the Speaker's decision, misstated in the journal of the 13th, is rectified by the entry of Mr. Adams's motion to amend the journal of the 13th upon the journal of the 15th.

Extracts from the journal of the House of Representatives of the United States.

Monday, June 13.

The House then proceeded to the consideration of the bill from the Senate (No. 178) entitled "an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

A motion was made by Mr. John Q. Adams to amend the said bill by inserting, in the 8th section thereof, after the word "Congress," these words, viz: "to the article in the constitution of the said State relating to slavery, and the emancipation of slaves, or"—so as to cause the paragraph in said section to read, "and nothing in this act contained shall be construed as an assent by Congress to the article in the constitution of the said State relating to slavery, and the emancipation of slaves, or to all or any of the propositions contained in the ordinance of the convention of the people of Arkansas," &c.

The said amendment being read,

Mr. Williams, of Kentucky, rose, and addressed the Chair, and moved the previous question.

Mr. Adams objected to the right of Mr. Williams to the floor, on the ground that he had not yielded the floor, after having submitted his motion to amend, but had remained standing whilst the Clerk was reading his amendment.

The Speaker decided that, as Mr. Adams did not claim the floor until after Mr. Williams had addressed the Chair and made his motion, and the question thereon had been stated, he (Mr. Adams) had lost his right to the floor, and that Mr. Williams was entitled to the same.

From this decision Mr. Adams took an appeal to the House, when the previous question on the appeal was moved by Mr. Bouldin; and being demanded by a majority of the members present,

The said previous question was put, viz: shall the main question be now put? and passed in the affirmative: Yeas 109, nays 80.

The main question was then put, viz: shall the decision of the Chair stand as the judgment of the House? and passed in the affirmative: Yeas 97, nays 87.

The yeas and nays being desired by one fifth of the members present,

Those who voted in the affirmative are,

Messrs. Bean, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Casey, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Dickson, Dromgoole, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, C. Johnson, J. W. Jones, B. Jones, Judson, Kilgore, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Abijah Mann, Martin, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, Patton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shields, Sickles, Speight, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, T. T. Whittlesey, S. Williams—97.

Those who voted in the negative are,

Messrs. J. Q. Adams, Chilton Allan, Heman Allen, Anthony, Ash, Beaumont, Bell, Bond, Borden, Briggs, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Doubleday, Evans, Everett, P. C. Fuller, Grayson, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, S. S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, Huntington, Ingersoll, Wm. Jackson, Janes, Jarvis, Jenifer, Henry Johnson, Laporte, Lawrence, Lay, Luke, Lea, Lincoln, Love, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Morris, Muhlenberg, Parker, D. J. Pearce, J. A. Pearce, Pettigrew, Phillips, Potts, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, W. Thompson, Vinton, Washington, White, E. Whittlesey, L. Williams, Wise—87.

Wednesday, June 15, 1836.

By consent, a motion was made by Mr. John Quincy Adams, that the entry in the Journal of Monday, the 13th instant, which reads thus:

"Mr. Adams objected to the right of Mr. Williams to the floor, on the ground that he had not yielded the floor after having submitted his motion to amend, but had remained standing whilst the Clerk was reading his amendment"—be amended to read as follows:

"Mr. Adams objected to the right of Mr. Williams to the floor to move the previous question, or to make any other motion, and stated that he had not yielded the floor after having submitted his motion to amend, but had remained standing, awaiting the reading of the amendment, and stating the question thereon, with the intention of speaking to the said amendment."

And after debate,

The previous question was moved by Mr. Cambreleng, and demanded by a majority of the members present. The said previous question was put, viz: Shall the main question be now put; and passed in the affirmative. The main question was then put, viz: Will the House agree to the amendment to the journal as proposed by Mr. Adams? and passed in the negative: Yeas 59, nays 110.

The yeas and nays being desired by one fifth of the members present,

Those who voted in the affirmative are,

Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bond, Borden, William B. Calhoun, Carter, George Chambers, John Chambers, Clark, Corwin, Darlington, Denny, Evans, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hiester, Howell, Ingersoll, William Jackson, Janes, Lawrence, Luke Lea, Lewis, Lincoln, Love, Job Mann, Samson Mason, McCarty, McKennan, Milligan, Morris, Pettigrew, Phillips, Pickens, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Waddy Thompson, White, Elisha Whittlesey, Lewis Williams, Wise—59.

Those who voted in the negative are,

Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Bovee, Boyd, Buchanan, Burns, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Nathaniel H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Joseph, Hall, Hamer, Hannegan, Albert G. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntsman, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, William B Shepard, Shinn, Sickles, Smith, Speight, Taliaferro, Taylor, Thomas, John Thomson, Turrill, Wagener, Ward, Wardwell, Webster, Weeks, Sherrod Williams—110.

HOUSE OF REPRESENTATIVES, MAY 18—23.

Speech of Mr. FORESTER, *of Tennessee, on the Fortification Bill.*

Mr. Chairman: It is seldom I consume the time of this House; but I feel called on, owing to the wide range of the debate, especially by the three gentlemen from the city of New York, to ask the indulgence of the committee for a short time. The bill under consideration proposes, not only the ordinary annual appropriations for completing the fortifications already commenced, but extraordinary ones to accomplish that object and other purposes; and the debate has extended to the whole naval and military defences of the country. I hope it will not be deemed improper in me, following the example set me by more experienced politicians, to give my views of the system of defence now proposed. One class of politicians are for disposing of the whole surplus revenue for these objects, which makes the amount of the surplus the first important inquiry; this will amount at the end of the present year to about fifty millions of dollars. I am opposed to this wild, extravagant, profuse, and profligate expenditure of the public money, the principal portion of which is collected by an indirect tax upon the labor and industry of the country—from those who sustain themselves by the sweat of their brow, and who should receive the protection and encouragement of the Government, instead of its oppression. The amount of money thus collected by this Government alone, under the tariff laws, which is a tax upon every thing purchased from the merchant—even salt and iron, the very necessaries of life—and the sale of public lands last year, was upwards of thirty-four and a half millions of dollars. The population of the United States at present, including male and female, old and young, white and black, is something like fifteen millions; this divided into thirty-four and a half millions makes two dollars and thirty cents collected last year from each individual by this Government; and a man with a wife and five children, on the supposition that each person paid an equal proportion, was taxed in one year sixteen dollars and ten cents. Were a direct tax of this enormous amount levied on our industrious farmers, were it presented by tax collectors, their indignation could not be suppressed; yet they pay this amount, by indirect means, without a murmur; in fact, it is done without knowing the amount thus extorted from them; even the most intelligent men in the community do not know the tax they pay on each article they purchase from the merchant, as it is included with the cost and profit on the goods. Our State institutions levy their taxes directly; they send their sheriffs and collectors round among the people; and all that is thus collected is paid, in addition to the large amount above spoken of. The Secretary of the Treasury, at the beginning of this session of Congress, estimated the revenue of the present year at between nineteen and twenty millions; since that time, we have received the returns of the first quarter of the year, and upwards of eleven millions are actually paid into the Treasury. In addition to this, Congress at the present session passed a law (not with my consent) loaning about four and a half millions to the merchants and citizens of New York, in consequence, as it was alleged, of the destructive fire in that place during the past winter; but for that law, fifteen millions and a half would have been collected in three months; within four millions of the estimate of the Secretary for the whole year. Thus it will be seen, the whole revenue for the last year and the first quarter of this year, actually paid into the Treasury, was forty-five and a half millions of dollars; and, but for the bill for the relief of the citizens of New York, would have been fifty millions. If the last three quarters of this year equal the first, (that is, average eleven millions,) there will be paid into the Treasury at the end of the present year thirty-three millions more; making, in all, forty-four millions for the year 1836. But, as it is not probable that so enormous a sum should be collected in one year, I will estimate the probable amount of the three remaining quarters at twenty-six millions; this, added to the actual receipts of the last and the first quarter of this year, makes seventy-one and a half millions; add to this the New York loan of four and a half millions, and you have seventy-six millions collected in two years; but should the three remaining quarters of this year equal the first, to wit, eleven millions per quarter, you will have eighty-three millions. The charter of the Bank of the United States having expired, and the Government owning seven millions of the stock, and consequently entitled to the profits, this item may be safely estimated at seven and a half millions; this, added to the seventy-six millions, the lower estimate for the last and present years, will make eighty-three and a half millions; or which, added to the eighty-three millions, the higher estimate, will give you ninety and a half millions. The estimate of the Secretary of the Treasury for ordinary and extraordinary appropriations for the present year is twenty-three millions of dollars--eight millions more than is necessary for ordinary purposes; add to this, three millions for Indian hostilities, four and a half millions loaned to the citizens of New York, seven millions to carry into effect treaties recently made with the Cherokees and other tribes of Indians, making in all thirty-seven and a half millions; this amount deducted from eighty-three and a half millions, the lower estimate, leaves a balance of forty-six millions; or from ninety and a half millions, the higher estimate, leaves a balance of fifty-three millions, which will be in the Treasury at the end of the present year, after paying all the expenses of the Government, ordinary and extraordinary, up to that period. The Senator from Missouri, [Mr. Benton,] one of the leaders of the friends of the Vice President, and with his approbation, no doubt, introduced a resolution early in the present session, pledging the Government to appropriate this enormous sum of money, together with the ten millions in the Secretary's estimate of twenty-three millions, to fortifications and increase of the navy alone, and claimed it as a measure of the administration; meaning thereby that this wild and extravagant scheme of expending the public money met the approbation of the President; and denounced every one as an enemy of the administration and the country who dared to raise his voice against this mad proposition. The manner of the Senator from Missouri, on this occasion, displayed as much self-conceit, and a disposition as tyrannical, as the most despotic monarchs of the earth. I could not believe that a measure so well calculated to overturn the free institutions of our country, and build up a despotism in this land of liberty and freedom, could have the sanction of the President; yet it was proclaimed to the world by the friends of Mr. Van Buren as a favorite measure of his. Had this wild scheme succeeded, it would have been the entering-wedge or corner-stone of a system of defence which would have cost per annum more than fifty millions of dollars to keep it up, and given us a standing army of more than one hundred thousand men to man our ships of war and fortifications. This proposition was so abhorrent to every republican sentiment in which I have been educated, that I could not give it my sanction, even if the Father of his Country had risen from his grave and recommended it.

Standing armies are instruments used by tyrants to enslave and oppress their people. Monarchs are compelled to have them to sustain their unjust tyranny against the indignation of their subjects groaning under oppressive taxes and unrighteous exactions. Nothing but force can suppress the noble love of liberty engendered in the human bosom by our Creator. Man is born to be free; and nothing but force or fraud can deprive him of that inestimable blessing. We therefore find him always ready to assert his rights when he sees the least prospect of success; hence we see, in all monarchical Governments, a perpetual contention between liberty on one side, and tyranny on the other; or between the tyrant and his minions who oppress, and the citizens who are the unfortunate instruments of their oppression. The interests of standing armies are always identified with the Government, on which they are dependent for their pay, subsistence, and honors, and at war with the rights and privileges of the people--in fact supported by their industry and labor; so that the hand that oppresses is fed and sustained by the unfortunate victims of their oppression. Standing armies are the bane of free institutions; and are diametrically opposed to the genius of liberty. If man is capable of self-government, which is our polar star, or the fundamental principle of our free institutions, he needs no standing army to force him into subjection to laws of his own making; if the Government be just, and enact laws founded upon the eternal principles of right, he will sacrifice his life to sustain the institutions of his country. In a Government like ours, where all power is vested in the people, no such auxiliary of oppression is necessary. Here the citizen and the soldier should always meet in the same person; and those who regulate the ballot-box and control the legislation of the country should be the persons, if circumstances require, to march to the tented fields whenever her rights, honor, or interests, are assailed. Our past history proves to us and the world that the militia of our country are a safe reliance in the hours of peril and danger. Sir, by whom have those victories been achieved which raised such a halo of glory around our country? Not by standing armies, but the militia, our free citizens, who, prompted by the noble workings of patriotism and courage, flocked to the standard of their country, and rushed to the battle-field, determined to conquer or die. The victory thus achieved by the free citizens of my native State stands unrivalled and unparalleled in the history of the world. Search the annals of our country, and I defy any man to show me a victory equally brilliant and successful accomplished by our regular troops. With these facts staring us in the face, in a Government where every free man is a soldier, why should we adopt the wild scheme of Mr. Benton, and create a privileged class, inefficient in times of peril, to fatten upon the industry of our citizens, and finally subvert the liberties of our country? Sir, if we wish to hand down to our posterity the sacred boon of freedom pure as we received it from the hands of our forefathers, we must lift our voices against these mad schemes of legislating into existence privileged classes and standing armies, and let equality and justice be our watchwords, and our patriotic citizens will rally around their standard, ready to sacrifice their lives in its defence. In contemplating the proposition of the gentleman from Missouri, [Mr. Benton,] and the awful consequences that would have resulted, had it been adopted, I am amazed at the boldness and recklessness of his scheme. Sir, it would have placed our Government upon a precipice, with volcanoes bursting beneath its foundations, which would have overturned and destroyed it. But we have been rescued from these perils and dangers by the Secretary of War and the President of the United States. I thank them both, in behalf of myself, my constituents, and my country, for the able and manly stand taken by them against this extravagant proposition. The Secretary of War, with the approbation of the President, in an argument, able, lucid, and overwhelming, showing a thorough knowledge of the history of other Governments, and the true situation and interest of his own, has, I hope, settled this dangerous question forever. It is to be regretted that he had not gone further, and carried out in detail, in every particular, the general principles which he so ably advocated. But, in the language of a distinguished Senator from Georgia, [Mr. King,] whom I am proud to except from the Van Buren ranks, on this subject, "he had to yield something to his friends." I regret, in making this great sacrifice to conciliate his friends, he should recommend the appropriation of money which he himself had shown most clearly to be improper and unnecessary. I, however, must again repeat, that I tender him my thanks for what he did; for, sanctioned as his course was by the high character of the President, it compelled the Senator from Missouri, [Mr. Benton,] and his friends, to abandon his mad and destructive scheme, notwithstanding he had claimed it as an administration measure, and relied upon the reputation of the President for its success. Sir, it is difficult to tell what is an administration measure at the present time: every scheme, however detrimental to the interest of the country, which meets the views of Mr. Van Buren, and is brought forward by one of his adherents, is claimed as an administration measure. We have seen that the profligate proposition of the Senator from Missouri, [Mr. Benton,] notwithstanding his pomp and parade in the Senate about its being an administration measure, did not meet the approbation of the President, and that he, in his denunciation of every body that opposed it as being opposed to the administration and the country, was denouncing the President as its head, or, in other words, claiming that Martin Van Buren was the administration, and trying to practise a fraud upon the people, by presenting his claim under false colors and a false name. What I now understand by the friends of Mr. Van Buren, when they speak of an administration measure, is, that the proposition meets the views, not of the President, but of the Vice President only. A stranger visiting Congress, and hearing those gentlemen setting forth the claims of Mr. Van Buren, whose name they never mention, but call him the administration, would imagine General Jackson was a candidate for the presidency the third time. The newspapers through the country, advocating his claims, pursue the same course; and he who dares to raise his voice against any of these absurd and ridiculous propositions, is denounced as an enemy of the administration, though General Jackson may have opposed them all his life, and still stand in opposition to them. The timid friends of the President were awed into silence by the bold and reckless manner of the Vice President's friends, upon the abominable and absurd scheme of the Senator from Missouri. No sooner did they find they could not obtain the approbation of the President, than the whole party became enlightened on the subject, and abandoned it themselves; even the Senator himself, after gasconading in the Senate of the United States like Goliath over the stripling David, consented to become the executioner of his own wild, mad scheme.

But, sir, no sooner was this proposition abandoned than three others are immediately introduced, by the friends of the Vice President, to dispose of the surplus revenue, of a character not less objectionable in principle than that of Mr. Benton, though far less dangerous to the free institutions of the country—I mean the propositions of Mr. Grundy, Mr. Wright of New York, and that of the Committee on Foreign Affairs. The Senator from Tennessee [Mr. Grundy] proposes that all the surplus revenue, or a large portion of it, should be given to those companies in the different States which have railroads completed and in operation, upon condition that they will consent to carry the mail and transport the property and troops of the United States, and give a mortgage to the United States upon the road, to insure the execution of the above condition. That amount is proposed to be given to each, which, at six per centum, the interest will make a sum equal to what is now paid for transporting the mail. For instance, the transportation of the mail from this city to Baltimore is twelve thousand dollars per annum, which would require two hundred thousand dollars to be given to the company, and that too forever, provided they complied with the above condition; for this sum, at six per centum, will make the twelve thousand dollars per annum. This is the old federal doctrine of internal improvement, and forming alliances with irresponsible corporations, in its most odious shape. Sir, it will be the most unjust and unequal law that was ever passed by Congress, should it take effect. The whole sum would be expended in the Eastern States, where the country is in a high state of improvement, and where they need it least; while those sections of the country that have least capital and but little improvement would not get a dollar; thus contributing to the rich abundance of those odious monopolies out of the hard earnings of the people, and, by that means, make the rich richer and impoverish the poor and unfortunate. Sir, I look upon this proposition with abhorrence and disgust, because it would operate as a tax upon my constituents, for the benefit of the purse-proud and rich. The revenue of the United States is collected from every citizen within our widely extended territory; the high, the low, the rich, and the poor, all contribute their due proportion; and therefore every citizen of the United States is entitled to an equal portion of its benefits. As our Government sets out with the principle that all our citizens are free and equal, the principle should be carried out in its burdens and its benefits. When it was found by the party that this unjust proposition of Mr. Grundy could not succeed, the Senator from New York [Mr. Wright] brought forward a scheme to absorb the whole surplus revenue. The proposition of the gentleman from New York [Mr. Wright] was still more degrading, to my mind; he proposed that the whole surplus revenue should be placed in the hands of the commissioners of the sinking fund, that they might enter the market, in the name of the United States, and gamble in stocks. Sir, we have individual stock jobbers and gamblers enough in the United States, without placing this great and mighty nation, the freest on earth, upon an equality with them. The idea of making our nation a gambling machine is too loathsome and degrading to dwell on with patience. The friends of Mr. Van Buren, finding that this scheme would meet with the same fate as the two former—be unsuccessful—the Committee on Foreign Affairs proposed that we should pay all the liquidated debts to rich merchants and thirsty speculators, due to our own citizens from foreign Governments, for spoliations committed by the citizens of those Governments on the property of our own. Would it not be more charitable, benevolent, and just, to pay the debts of our own citizens, from whom the surplus has been collected, than the debts of these foreigners? What! the United States step forward and pay the debt of a foreign Government; and that, too, out of the public Treasury, collected by the toils and industry of our farmers, and leave them to grope through their own embarrassments the best way they can! Is that the principle of our Government? and shall we adopt it, in practice, to give the preference to foreigners over our own citizens? And all these schemes are claimed here as administration measures. I have little doubt that these measures will meet the same fate with the President that the proposition of the gentleman from Missouri did. Can it be believed that any President of the United States will give his sanction to propositions so unjust and so degrading? I shall never believe it until I see it, and not even then. I feel at a great loss to know what to do with the vast surplus heretofore spoken of. I am pleased with none of the propositions which have yet been submitted: neither the land bill of Mr. Clay; the steam engine of Mr. Grundy, to sweep the public money from the Treasury by steam power; the project of the Senator from New York [Mr. Wright] to make us a great gambling machine; nor the benevolent proposition of the Committee on Foreign Affairs, to pay the debts of foreigners by taxing our own citizens. I still hope that some just and equitable proposition will yet be made; one which, like the dews and showers of heaven, will dispense equal benefits and blessings upon every portion of our free and happy Union. The idea advanced by Mr. Van Buren's friends, that it will corrupt the people to give them back the money that justly belongs to them, is the most absurd and ridiculous that I ever heard advanced by any set of men who claim to be intelligent. To refund to a man what you unjustly filch from him, that that will corrupt him! Sir, the gentlemen have become very tenacious and fearful for the integrity of the people; they had better look to their own household, and examine themselves. Those who can get a sight of the golden calf, and receive pay for falling down and worshipping the idol, by bribes or otherwise, are in more danger of corruption than the people. This is the situation of politicians, office-holders, and aspirants, for the temptation is held up before their eyes; and you remember the important injunction of our Saviour to his disciples, to pray "not to be led into temptation." Such a situation strongly tests the integrity of mankind. But the great body of the people, industriously engaged in their daily avocations, have no such temptations held up to their view, and are therefore beyond the reach of its influence.

Having thus presented my views upon the disposition of the surplus revenue, I will proceed briefly to make some remarks upon the system of fortifications and naval defences of the country. Our Atlantic coast, including the Gulf of Mexico, for the protection of which these expenditures are proposed to be made, is 3,000 miles in extent. It is proposed that 232 forts and 53 steam batteries shall be constructed, for the protection of this coast; making, in all, 285; or, if equally distributed, one for every ten and a half miles. These works have and will cost, according to the estimates, $39,500,000; of these forts, eleven have been finished, at an expense of $4,073,000. One hundred and ten are under construction, on which $4,015,000 have been expended. The Department estimates the expense to complete them at $14,335,000; total, near $18,500,000. One hundred and eleven forts and fifty three steam batteries are yet to be commenced, the cost of which is estimated by the Department at $17,000,000; to furnish guns, and put them in a state of defence, arm the militia, &c., $30,000,000; making, in all, $69,500,000. Pay of men to garrison and take care of them, in time of peace, upwards of $2,000,000; in time of war, $30,000,000 per annum. Number of men, in peace, 6,731; in war, 62,232. Our fathers, without forts, destitute of munitions of war, with a population of 3,000,000, without money or credit, encountered one of the most powerful nations of the earth, and not only vanquished it, but achieved our glorious independence, and handed down to us the rich inheritance of our happy system of government. Shall we, with a population of 15,000,000, ample resources, and much character at home and abroad, surround ourselves with a wall to protect us from enemies on the other side of the Atlantic? And this, it is contended, is not only necessary for our protection, but to secure the honor and interest of the country. Is there no spark of that courage and patriotism that sustained our noble ancestors in the Revolution burning in our bosoms? Are the descendants of our revolutionary sires such craven-hearted cowards as to need a wall to protect them from real or imaginary dangers? Are we like the cowardly Chinese, who, eighteen hundred years ago, built a wall 1,500 miles long and 30 feet high, to protect them from the incursions of the neighboring Tartars, and that, too, when our enemies, if we have any, must be on the other side of the Atlantic, 3,000 miles from our coast? Such a sentiment is a slander upon my constituents. I will speak for them. They want no wall to screen them from dangers; their country is their shield, and their rifles their defence; and with the latter they will always be found ready and willing to give protection and security to the former. The little republic of Sparta disdained to surround their city with walls, though surrounded by powerful, ambitious, and warlike enemies. Her free and brave citizens were her ramparts, and afforded her ample protection from the incursions of her enemies. Shall we, then, imitate the cowardly Chinese, or the brave, noble, and magnanimous Spartan? The strong arm of all Governments consists in the bravery and patriotism of their citizens. To secure these at all times, nothing is necessary but to make that Government worthy of their devotion. Would it be politic or just, then, to paralyze the energies of our enterprising citizens, by heaping on them a load of unjust taxation, to support these extravagant propositions, intended alone to benefit the few, and oppress the great body of the people? It is proposed, by the year 1850, to increase our ships of war to one hundred and fifteen, the estimated expense of which is $7,000,000 per annum. This sum in fifteen years will amount to $105,000,000. In addition to this, it is proposed to collect materials to build ten ships of the line and ten frigates, to be kept in reserve, $3,500,000; arming, $2,000,000. The navy appropriation bill of the present session, which has passed, amounted to more than $6,000,000. A standing annual appropriation of $500,000, under existing laws, added to the naval bill of this session, will fall very little short of the estimate of $7,000,000. I merely mention these facts to let my constituents know the grand schemes proposed, at their expense, for these objects, and at the same time to express my disapprobation of such heavy expenditures. I was forcibly struck with the non-committal course of the three gentlemen from the city of New York in the discussion of the proposed system of defence on the present proposition. Instead of developing the principles of the system, and showing that it was consistent with the genius of our Government, two of them went into the history of the administration, the high character and dear-bought fame of the President of the United States. The brilliant victories and splendid services of the President of the United States are pregnant themes for the historian, the orator, and the poet, on a suitable occasion; but when they are brought in by Mr. Van Buren's friends, to sustain them in the most high-handed federal measures, a part of which we know he disapproves, (and I hope the whole,) they are applied to an illegitimate object. The great principles which have heretofore separated the two great parties in the United States cannot be amalgamated by a mere name; even the potent name of the President cannot make a high-handed federal measure a republican one. But every thing these times is called democratic; and gentlemen advocating the most abominable federal doctrine take shelter under the ample folds of the democracy of the country, and call it a democratic measure. The advocates of the bank call themselves democrats; those of a high tariff for protection, and internal improvements, call themselves democrats. Those who urge the profligate and extravagant expenditure of the public money claim to be the exclusive representatives of the democracy of the country; and one of the gentlemen from the city of New York, in advocating this system, gave us a lecture on government, taking his text on the aristocracy and democracy of the country, in abuse of the former, and high eulogies of the latter, advocating and sustaining this extravagant system on the ground that he loved the democracy and people of the country. How can any man be a friend to the rights and interests of the people, and be the advocate of measures calculated to bow them down beneath the load of taxation, create privileged classes, and give us a standing army? It cannot be; it is a misnomer; it is glossing over bitter dregs with a sweet name. Democracy is founded upon principle; it should, therefore, never be used as a mere rallying point of party—a mere name. The true democrat watches with care and anxiety the interests of the great laboring class of the community. That kind of democracy which I admire is, as far as possible to guard and protect this class of our citizens from unjust and unequal laws. The situation of many of them makes strong appeals to the benevolent feelings of our nature, and I wish this Government would never turn a deaf ear to their entreaties. Throw the mantle of the law around the rich, so as to protect them in the enjoyment of their property, and they can take care of themselves; but if bounties are to be given, let those who need them most be their recipients. I call upon those gentlemen who make such loud professions of attachment and devotion to the interests of the people, to come forward and aid me in sustaining these great principles, and in putting down these odious and abominable propositions. The gentleman avowed one sentiment which I cannot subscribe to: that there are two great antagonist interests in all Governments—capital and labor; that capital, like Hannibal's oath of perpetual hostility to the Romans, was always arrayed against, and made war upon, labor. This proposition cannot be true as regards our own Government, unless by our legislation we make it so.

We have not only declared that all men are born free and equal, but given them equal power in the legislation of the country. The poor man has precisely the same influence at the ballot-box that the rich nabob has. Girard, with his millions, was entitled to only one vote, while the husbandman, in the midst of poverty, is entitled to the same privilege. Sir, capital and labor are not natural but artificial enemies: they are the friends and allies of each other, unless the Government or Legislature of the country destroys the harmony which should always exist between them. Without labor, how could capital be employed? If a man possessed all the riches of the earth, and there was no labor, of what use would they be to him? He could not procure even the poorest necessaries of life. Without capital, what encouragement to enterprise and industry! Where would the laborer reap the reward of his toils and his labors? They are as indispensable to each other as the feet and hands are to the healthy action of the body. In other Governments, where there are privileged classes exempt from the common toils and difficulties of life, where the many labor for the few, and the few live at their ease, and fatten and riot in luxury at the expense of others, this principle is true. I regret to acknowledge that it is partially true in our own country; not by the fundamental principles of our Government, but by acts of unequal legislation, in contravention, as I believe, of our constitution. The system of defence now under discussion, which meets the favorable consideration of the gentleman, is a measure of this character. The funding system, which fell with a heavy hand upon our revolutionay fathers, by which they were deprived of the little pittance promised them by the Government for their toils and sufferings in achieving our independence, to enhance the coffers of the rich speculator, was a measure of this description. It was this that gave the North the ascendency over the South, so far as capital was concerned, which they have maintained ever since. The war-worn soldier, who exhausted the vigor of manhood in defence of his country, was compelled to part from his claim upon the Government for a mere trifle. As soon as those claims had reached the hands of the capitalists, the Government, by the funding system, liquidated the whole to those who held them, and enriched the speculator, and filled his coffers to overflowing. The charter of the old United States Bank of '91, by which Congress incorporated a company of stockjobbers, and gave them the control of the currency for twenty years, strongly partook of this unequal character. The sedition law of '98, abridging the freedom of the press and of speech, and throwing a shield around the actions of the high officers of Government, however exceptionable, may be placed in the front rank of unjust and unequal laws. The high tariff duties for protection, and operating as a tax upon the labor of the country, for the benefit of a few manufacturers, cannot be too strongly condemned. It was a tax upon all the labor of the country for the benefit of capital, and therefore comes strictly within the principle laid down by the gentleman. The internal improvement system by the General Government, a twin sister of the latter, is partial, unjust, and unequal in its operations. The proposition of the gentleman from Missouri, [Mr. Benton,] those of the Senators from Tennessee, [Mr. Grundy,] and New York, [Mr. Wright,] as well as the proposition of the Committee on Foreign Affairs, may be ranked high in the list of unequal, unjust, and partial legislation. And yet, strange to tell, we find the gentleman from New York, who made such loud professions for the interest of the people, advocating all these propositions, and following a leader, Mr. Van Buren, who not only approves of these, but has been the friend and advocate of most of those above enumerated. But it has been said, that Mr. Van Buren, in supporting the tariff of 1828, acted under the instructions of his Legislature. He can plead no such excuse on the woollens bill of 1827, the most unjust and oppressive of all the tariff laws. His position, like many other politicians on the Bank of the United States, is a singular one. He was not a member of Congress in 1816, when the bank was chartered; but we afterwards find him exerting his influence to get a branch extended to his own State. I suppose no one will deny that he was then the friend of this institution. The bank, confined to the city of Philadelphia, could have but little influence over this widely extended country; but, by locating branches in every State of the Union, its power and influence was so increased as to enable it to make war upon the Government itself; it was the war of giants, and for a long time the issue was exceedingly doubtful. All this time the Vice President kept his sentiments perfectly concealed from the country; but as soon as the enemy was vanquished, the victory achieved, and the bank lay prostrate at the feet of the Government, he, like a valiant soldier, rushes forward and exclaims, "Uncompromising hostility to the Bank of the United States!" There is no provision in the constitution which authorizes the General Government to establish a general system of internal improvement; this is admitted by all; but the federalists claim the power by implication, because they say it is expedient and necessary. The most obnoxious proposition which ever received the favorable consideration of Congress on this subject was that to establish turnpike gates on the Cumberland road, in the different States, and to inflict fines and punishments on those who refused to comply with the requisitions of the law. Mr. Van Buren was its warm advocate; Congress passed the bill; but Mr. Monroe, President of the United States, vetoed it. The bill to graduate the price of the public lands, intended to give a home to those unable to purchase them, met his disapprobation. He is reported to have spoken "at great length in opposition to the bill, and in reply to the various arguments which had been urged in favor of it and its various modifications." We find him in the New York Legislature voting against the admission of Missouri into the Union, unless they would first emancipate their slaves. He was then an abolitionist; what he is now, I will leave gentlemen to determine for themselves. The fundamental principle which Mr. Van Buren practises in politics is, that "the spoils belong to the victors:" thus arraying one portion of the free citizens of the United States against the other, as enemies to each other, and viewing every one so who does not embrace this anti-republican doctrine. Our Government declares all our citizens free, but this principle suffers no man to enjoy the freedom of thought and of action, except the leader of the party; all others must yield to his despotic will. Our constitution opens the offices of the Government alike to all; but this principle suffers no man to fill an office unless he becomes a slave, and tamely submits to the dictates of his file leader. Our noble ancestors left the homes of their fathers, and sought a refuge in the wilds of America, in the midst of savages, where they encountered all the privations incident to the settlement of new countries, that they might have the privilege of enjoying the freedom of opinion. Will their descendants tamely submit to have this inestimable blessing taken from them? Offices under our Government are trusts for the benefit of the people; and freedom in electing and being elected to fill them, is inseparably connected with republican Government. If the people are capable of self-government, as our constitution supposes, they are equally capable of selecting their own rulers; and no one in this country should fill an office contrary to the wishes of the people upon whom that office is to operate. Any other principle or practice, in the appointing power, makes the people, to that extent, political slaves. And yet Mr. Van Buren and his friends, who make profession of friendship for the interest of the people, set their will at defiance, and place men in office contrary to the wishes of nine tenths of those upon whom the office is to operate. The caucus system is so intimately connected in principle with the above maxim, that I shall give it a passing notice. Mr. Van Buren has reduced this system to a science in his own State, and wishes to rivet it upon the free citizens of America. Under this system, a few leaders get together and appoint those that are to fill the offices of the country, and then call upon the people to confirm their appointments; and if any one dare to refuse, they denounce him as an enemy to republicanism. Every man in the community has a right to designate whom he will prefer for an office, but he has no right to take this privilege away from another without his consent. By this system, all power is vested in the hands of a few, and they call upon the people to be the willing instruments of their own slavery. Can the people be considered free, when they are not permitted to select their own rulers? The constitution says that all power is vested in the people; but the caucus system vests it in a few intriguing, designing politicians. I am one of that kind of democrats that would rather the power should remain where the constitution placed it—in the hands of the people. They have no motive to do wrong, and no feeling but to advance the true interest and honor of their country. All they ask is just and equal laws. But how stands the case with political leaders, operated upon by feelings of rivalry and ambition, goaded by their enemies, and leagued to their friends by the powerful bonds of interest and associations, in pursuit of high offices, honors, and emoluments? Sir, with the integrity of a Cato, they are incapacitated from judging impartially and correctly on the subject. All those feelings which operate with most force upon the human mind are brought into active play to lead them astray. In the ordinary controversies which originate in society, every man wants an impartial court and jury to try his cause; and, without these prerequisites, justice is never administered. Should the people, then, on a subject infinitely more important, one on which their very liberties depend, trust to the partial, selfish, and interested politician to decide their cause? Forbid it, Heaven!

But conventions have been introduced as a substitute for the caucus system. This I consider far more objectionable, in practice, than the caucus itself. The caucus system does not purport to proceed from any person except the leaders. They assume the responsibility of acting and speaking for the people, without authority, or without any pretence of authority. Still, they boldly claim that the people should yield obedience to their dictation. But the convention claims to be fresh from the people, and the delegates pretend to speak their sentiments. If this were true, no man could object to this system, for the people have the right to do their own business in their own way. But, as it is only true in theory, and always false in practice, being a fraud upon the people, it becomes the more objectionable, like vice and falsehood when they imitate and put on the garb of truth and virtue. Does not every man know, in the selection of these delegates, that, nine times in ten, the large mass of the people are never consulted? Sometimes the delegates are self-constituted; at other times they are appointed by a few individuals to represent a large community. A meeting is got up by a small number at a grog-shop or tavern, and heralded forth to the world as the voice of the people. I have heard of an anecdote (located in Ohio, I believe) which sets forth the true character of many of these meetings. A meeting was called, and only two individuals attended; one nominated the other president, and he, not to be outdone in courtesy, appointed him secretary; a preamble and resolutions were drawn up and adopted in the usual form, calling it a large and respectable meeting. The president refused to sign it with these words in it, saying it was untrue; that two individuals could not make a large and respectable meeting. The secretary, being a large man, replied, "You are mistaken; I am large, and you will not dispute that you are respectable; therefore, it is a large and respectable meeting." How was it at the late Baltimore convention, with regard to the fifteen votes of Tennessee? A botanical doctor by the name of Rucker happened to be here for the purpose of obtaining a patent. It was ascertained by the friends of the distinguished gentleman from Kentucky, [Mr. Johnson,] who sits near me, that he could not receive the nomination of the convention for the vice presidency, unless the vote of the State of Tennessee could be procured. There had not been a single meeting in the State for the purpose of nominating delegates, and no man had received the approbation of a single individual to his nomination. But Mr. Rucker, being a citizen of the State, and being here at the time for the purpose of obtaining his straw patent, was received as a member of the convention, and actually gave away the fifteen votes of the State of Tennessee, and these votes were counted, and by that means the gentleman from Kentucky was nominated for the vice presidency; and, should he succeed, he will owe his election entirely to Mr. Rucker. Can any man pretend that the free citizens of Tennessee are bound to give their vote as Mr. Rucker directed? According to the doctrine of the convention system, they would be; but according to the principles of the constitution and the rights of freemen, (which, thank God, they will exercise as long as they live,) they will treat Mr. Rucker, and his nomination, with that contempt and detestation which his conduct so justly merits. He had a right to give away his own vote, but he had no right to pledge the vote of the State of Tennessee, as he did. But it has been alleged that Tennessee was in favor of the convention system in 1832, and, therefore, she has been charged with inconsistency. As I was one of the delegates appointed at that time, but did not attend, I feel called upon to explain the facts. I am informed that nine individuals collected together in 1832 in the city of Nashville, prepared their preamble and resolutions, and appointed fifteen delegates to the Baltimore convention. I happened to be one of the fifteen, though at that time at my place of residence, seventy-five miles distant, and neither myself nor my present constituents knew any thing about it until it was all over; yet I was appointed to represent them, without their consent or approbation.

These nine gentlemen afterwards went to the court-house in a city containing a population of from seven to ten thousand, and were unable to collect more than fifty or sixty individuals, who adopted their resolutions, and confirmed their appointments. Two out of the fifteen attended; the others paid no attention to the meeting, or their nominations; I did not pay the slightest attention to it. I deny the right of nine individuals at the seat of Government or elsewhere to appoint me the representative of my constituents. They alone had the right, but not one of whom chose to exercise it. And this is brought forward to show that Tennessee was in favor of conventions! I hope the gentleman has better grounds to sustain the appointment of the other delegates of the convention, but I fear the most of them received their appointments in pretty much the same way. I know, Mr. Chairman, the loss of the fortification bill of the last session is a disagreeable subject to many of the members on this floor; and, as the subject has been ably discussed, I shall merely state a few facts which came within my own observation. I wish, in the first place, to call the attention of the committee to the journals of that night. It will be seen by an inspection of them that the reasons of the gentleman from New York [Mr. Cambreleng] for refusing to present the agreement of the committee of conference are entered upon the journal, and that, too, without the consent of the House. The proceedings of Congress may be examined, from the foundation of the Government until the present day, and no such an entry can be found on them except this. Journals are intended as a record of the facts which take place in legislative bodies, and reasons are never entered upon them except by the consent of the House. The House have refused, the present session, to suffer gentlemen to enter their reasons upon the journals. But the gentleman from New York, [Mr. Cambreleng,] after Congress had adjourned, without the consent of a single member, has his reasons put on the journal. Why this unusual and extraordinary course, if the gentleman intended nothing wrong? The gentleman knew that he had been the cause of defeating the fortification bill; and that the country would hold him responsible, unless he could create a false impression, and by that means throw the responsibility elsewhere. I was very much surprised at the conduct of the gentleman on the memorable last night of the session on this subject. I saw him immediately after the conference, with the agreement of the conferees in his hand, which I have always believed, and still believe, notwithstanding the gentleman's assertion to the contrary, was when the vote was taken on the Cumberland road bill. The amount agreed on by the conferees, together with the appropriation contained in the bill, was $1,650,000 for the defences of the country. He was then standing up in the aisle near where I now stand, manifesting great anxiety to present it to the House, which he told me he would do so soon as he could get the floor. In consequence of this, I expected to hear him, every moment, bring the subject before the House. After some time had elapsed, I was informed by a distinguished gentleman of this House that Mr. Cambreleng had received orders from Mr. Van Buren and Mr. Forsyth not to present it at all, but to defeat the bill. How these facts are, I know not; but one thing I do know, that the gentleman never did present it to the House; and, when called on to do so, absolutely refused, and that, too, after telling me, between an hour and two hours before, that he would bring it to the consideration of the House as soon as he could get the floor. I am glad the gentleman is present to hear my statement, as I wish to do injustice to no man. I met, on that night, the chairman of the Committee of Ways and Means, [Mr. Polk,] and that, too, after the conversation with Mr. Cambreleng; there was much excitement on the subject whether Congress could sit after twelve o'clock on the 3d of March. I asked Mr. Polk what had been the practice heretofore; he said that he had never known the session to continue after that time since he had been a member. He asked me what I thought of the question. I told him I had not examined it, but I was inclined to believe that the functions of Congress ceased at twelve o'clock. Then, said he, with a good deal of earnestness, "you ought not to vote." But I concluded, as the honor and interest of my country were at stake, that I would vote until I became fully convinced that I had no power to do so. And, to my utter astonishment, after giving me this advice, on taking the next vote, the gentleman answered to his own name. I thought it strange that a gentleman should tell me that I ought not to vote, and then vote himself under the same circumstances. I now take leave of this subject, which I consider disgraceful to the House of Representatives, or at least to those members who were more willing to serve their party than to protect the honor and interest of their country.

The amendment of the constitution, to prevent the election of President from coming into the House, was a favorite measure with the party to which I belonged at the last as well as the present session; in fact, I have always been anxious for this change; I have always believed that the people should have the entire control over their own elections. This is the only means they have of securing themselves against the abuse of power. But this measure, intended alone for the benefit of the people, was defeated at the last session by the friends of Mr. Van Buren. I now charge the fact upon this floor, and I defy gentlemen to deny that they did defeat this measure. My distinguished colleague [Mr. Bell] has proven from the journals these facts, which I here charge in my place to be true. Notwithstanding this, the friends of Mr. Van Buren charge Judge White and his friends with wishing to bring the election into the House, when they know they defeated the amendment of the constitution to prevent this result, which the friends of Judge White were anxious to effect.

As to the deposite banks, I have but little to say. I am one of those who sustained the President in the removal of the public moneys from the Bank of the United States; and I would do so again under similar circumstances. I then expected that Congress would regulate them by law, in the local or State banks; and I hope we never will adjourn until that object is accomplished. This subject has become one of vital importance, from the great quantity of public money accumulated in the Treasury; and it is now under the entire control of the Secretary of the Treasury, without any legal restraint. The amount at his discretion in the deposite banks was, at the last returns, thirty-eight millions of dollars. No man, however exalted his character or station, should be trusted with so much of the people's money, without legal restraint. But this subject becomes more interesting from the circumstance that Reuben M. Whitney is the agent of these banks, and receives from them a high salary for superintending their interest at the Treasury Department. I have not been able to ascertain the influence Whitney exercises over the public money in the deposite banks. The Secretary of the Treasury denies that he has any influence; and yet we find these banks, (some of them,) it is said, paying him a thousand dollars per annum. If he can do them no good, or has no influence over the public moneys, why do they pay him this enormous amount? Call upon the Secretary of the Treasury, and he says that Whitney is not the agent of the Government, and has no influence over the public moneys in the deposite banks; and yet these corporations, who always consult their own interest, pay him a high salary. The Secretary of the Treasury, nor any other person, need tell me that these banks do not receive advantages from the services of Whitney in some way; if they did not, the world knows they would not pay him this enormous sum of money. And what advantage could he be to those banks, unless he has influence in regulating the deposites in them? All the advantage they can reap is, in having the use of the public money free of interest, which they loan out to their customers at six, seven, eight, and ten per cent. The Secretary of the Treasury also says that Whitney has nothing to do in selecting the deposite banks; that he alone exercises that power; and yet a correspondence between Whitney and the agent of the Bank of Illinois was brought to light by the Legislature of that State, showing that Whitney was applied to to make it a deposite bank; which he refused to do, because the directors were opposed to Mr. Van Buren. We also see, from a circular published in the State of Missouri by him, that he directs the kind of money which shall be received in the payment of public dues. I confess all these things are mysterious to me. Why should the Secretary of the Treasury, whose duty it is to superintend the safe keeping of the public moneys, suffer Whitney to be employed by those banks in obtaining the use of the money? And this he does do, most certainly, or they never would pay him. The character of this Mr. Whitney is well calculated to increase suspicions on this subject. Of him or his character I know nothing, except from his own testimony before a committee of this House, some years past. In that he swears he left this country during the late war, settled in Canada, where he remained until some time after the close of the war, and took an oath to observe the laws of the country. He who would desert his own country, in her struggle against a mighty nation, and take an oath of fidelity to her enemy, I think is devoid of patriotism, and a traitor to her honor and her interest. Sir, I never had any confidence in tories or traitors, and I never expect to have. This same committee before whom he was examined adopted unanimously, I believe, a resolution, (all parties concurring,) that the main facts he had sworn to were untrue. That a man of his character, both a traitor and one capable of perjury, should have any influence in regulating thirty-eight millions of dollars, collected from the laboring part of the community, and a portion from my constituents, is what I deeply regret. Personally, I know nothing of Mr. Whitney; I never saw him, and only speak of his character as he himself has given it to the world, in his own testimony.

The gentleman from Virginia [Mr. Wise] brought forward resolutions proposing to raise a committee to send for persons and papers, and examine into this subject, charging the Secretary of the Treasury with combining with Whitney in pilfering and stealing the public moneys; and, to my utter astonishment, a majority of Mr. Van Buren's friends opposed the adoption of these resolutions, and defeated them; for it required two thirds of the House to suspend the rules, and get the subject before them. Mr. Dromgoole introduced resolutions calling upon the Secretary of the Treasury for information on these subjects. This I considered a mere mockery, to call upon a man who is charged with a criminal offence, and who had denied that Whitney was an agent of the Government, or had any thing to do with it, to give evidence in his own behalf. I wish to know what Whitney had to do with it; why those banks should find it their interest to employ him at so great an expense. We have no right to inquire into the private affairs of men; but we have a right to know what agency any man has in keeping and disposing of the public moneys. This was intended to supersede the resolutions of his colleague, [Mr. Wise,] neither of which has been adopted. Mr. Wise said that, if Congress would give him a committee, he had no doubt he could sustain the charges he had made by proof. But still it was refused him by the House. This I regret, as my constituents and the country have a right to know what is the true situation of their own money. After these charges were made by a member in his place upon the floor, it was due to the President and those who sustained him in the removal of the public money from the Bank of the United States, and above all, to Mr. Woodbury's own character, that the investigation should have been gone into. If he were innocent, an investigation would not have injured him; if guilty, the world should know it. The people have too deep an interest in so large a sum of money, not to know its true situation. Every public man should court an investigation, when suspicion hangs upon his reputation. I know an intimate association with a man of Whitney's character is well calculated to throw a shade of suspicion over that of another. This alone may have given rise to the suspicions against the Secretary; for I know not the facts upon which Mr. Wise based his charges. Why Mr. Woodbury should have taken shelter behind the impenetrable walls of party, instead of stepping forward like a man, and asking an investigation into his conduct, as all his predecessors had done under similar circumstances, I cannot tell, unless it was to brave and defy public opinion, or cover and hide his guilt. In the ordinary transactions of life, it is the guilty, and not the innocent, who seek concealment. But the gentleman from New Hampshire [Mr. Pierce] placed the defence of the Secretary on the ground that his character was too high to be reached; but, as I wish to do injustice to no man, I will give his own language: "I do not," said he, "stand here as the apologist of the Secretary of the Treasury; in his life, he never needed any man to appear for him in that character; the ability, the untiring industry, and the fidelity with which he has discharged the duties of various high and responsible trusts, are known to all men of all parties in this House, and to the country; his character is elevated above individual assault, and needs not individual eulogium. His whole career, as a public officer, challenges the most scrutinizing inquiry, and stands forth its own sure and triumphant vindication." And, strange to tell, on this occasion the gentleman refuses to give us that scrutinizing inquiry into the conduct of the Secretary, where there are thirty-eight millions of the people's money involved, because, as he says, the character of Mr. Woodbury is "above individual assault, and needs not individual eulogium; it stands forth its own sure and triumphant vindication." I know not what the gentleman means, unless he intends to be understood that Mr. Woodbury's character is so exalted that it is beyond the reach of public opinion. It would be too disparaging to the gentleman's intelligence to say that he would require every member of Congress to rise at once and bring a charge against an officer of the Government before it should be investigated. What, then, can he mean by "individual assault?" The gentleman from Virginia [Mr. Wise] brought forward his charges, not as an individual, but as a member of this body, not as Henry A. Wise, but as a representative of the people in the councils of the nation. The gentleman surely cannot mean, by "individual assault," that other members should have brought forward the same charge; this would have been a direct violation of the rules of the House. Sir, no man is beyond the reach of public opinion in this country. The doctrine of the divine right of kings, that the king can do no wrong, is not to be tolerated in this Government. Every officer, under our constitution, is held to a strict accountability for the manner in which he discharges his public trusts. But the gentleman places the character of the Secretary above all the high functionaries of the Government, and exempts him from the common frailties of our nature, by placing him above public opinion. Such a sentiment may be democratic in New Hampshire, but I trust it will never become so in any other portion of the Union. The metallic currency has been introduced into this discussion. I have always been a warm advocate for its adoption. Whether it can be effected or not, I cannot tell; but I will go with those who will go farthest upon this subject. The increase of specie, thus far, seems only to have increased the circulation of paper. Two years ago there were twenty-five millions of specie in the United States, and seventy-seven millions of paper in circulation; now, there are fifty-one millions of specie, and about one hundred and fifty millions of paper: one increasing in a ratio of more than three to one of the other. And as all the banks in the United States, except in this District, are under the control of the State Legislatures, Congress cannot restrain them from issuing their paper, without the aid of the State Governments, I am determined to persevere in the noble enterprise, so long as I see the least prospect of assistance from these quarters.

As to the charge of the gentleman from New York, [Mr. McKEON,] against my native State, I have but little to say; her character for intelligence and patriotism is too well known in the records of the country to need defence from me. The hardships and dangers which the early settlers encountered, in changing a wilderness into cultivated fields, are matters of history. The enterprise, courage, and patriotism of her citizens need no defence from one of her native sons. Her past history is known; from this we may judge of the future. It is written in large capitals in the records of fame, "so that he who runs can read." Her patriotic sons have always responded to the calls of their country; and their ardent love of liberty and devotion to her free institutions will impel them to the rescue, when her honor or interests are assailed. She has always poured forth her blood and her treasure in defence of herself and our beloved country; and her sympathies have burst forth in favor of those struggling for freedom throughout the world. The bones of her sons lie bleaching upon every battle-field of the Southwest; and wherever she has gone, victory has perched upon her standard, and success and honor crowned her efforts.

HOUSE OF REPRESENTATIVES, MARCH 10.

Remarks of MR. FRENCH, *of Kentucky, on the bill for the payment of volunteers and militia.*

The House being in Committee of the Whole on the bill, with the amendments of the Senate, entitled "An act for the payment of the volunteers and militia corps in the service of the United States"—

Mr. FRENCH said he did not profess to know much about the army regulations, or the various duties required of the different officers of the army. He had, however, attended to the discussion upon the amendment from the Senate now under consideration, with the view of collecting the facts upon which the three additional paymasters to the army are proposed to be added to the number now existing, and of making the facts disclosed his guide in voting.

He found several important facts satisfactorily established, strongly recommending to his mind the proposed amendment. We have the judgment of the Senate in its favor, and that is entitled to respect. In 1821, Congress reduced the number of paymasters to fourteen; and, when that reduction was made, it was contemplated that the duties of the paymasters would extend to the regular army alone, and it is fair to presume those duties required the number then retained. Since that reduction was made, Congress has by law made it the duty of paymasters, whenever and wherever the militia shall be called into the public service, to pay them as well as the regulars. This increase of duties requires of the paymasters more than was contemplated when their number was reduced. Your Military Committee made a report about two years ago, recommending an increase of paymasters to Congress. In that report we are informed that the army has been increased seven hundred; the number of military posts greatly multiplied and extended; that half a million of dollars had accumulated upon the paymasters, to be distributed and paid to the army of the United States; that the army has to be paid quarterly; and that the fourteen paymasters could not, owing to the increased burden of duties laid upon them, and the dispersed condition of the military posts, pay off the army at the times and in the manner required by law. Such, also, is the opinion of the Secretary of War, as disclosed in that report. Your Military Committee, of which my honorable colleague [Colonel R. M. JOHNSON] is chairman, had this bill, with the amendments of the Senate, under advisement, and recommended to the House a concurrence in those amendments. Yet, notwithstanding these facts, honorable members say there is no necessity to increase the number of paymasters. For one, he (Mr. F.) must be allowed to differ with those gentlemen. Our seacoast and our borders, Northwestern and Southwestern borders, are almost interminable. The duties of the paymasters extend now to the militia in service, as well as to the regular army. A bloody war is raging in Florida. The citizens of that Territory are threatened with Indian massacre. Many of them have already fallen victims to savage barbarity. Many of our gallant men have repaired to the scene of action, to avenge the blood that has been shed, and to put an end to the war, by punishing the savage for his cruelty and lawless devastations. These soldiers must be fed, clothed, and paid; and this very war had greatly added to the duties of your paymasters.

He asked the House how it was with themselves. Members of Congress had a law by which they could, if they chose, draw their eight dollars every day. With that per diem pay, honorable members can enjoy themselves in this city, according to their own good will and pleasure. But the soldier, who is separated from home, compelled to undergo the fatigues and hardships of the tented field, dependent upon his Government for subsistence and pay, can only draw his pay quarterly; and could any thing be more just than that he should receive it whenever, by the laws of his country, it fell due?

He (Mr. F.) maintained that the character of the Government required punctuality of payment, even to the soldiers. The justice of the Government required it; the public service required it; the laws required it; and the soldier required it: the subsistence of the army required it, and a just responsibility upon the disbursing officers required it.

He considered the increase proposed necessary to the efficiency of that protection which all our military posts were intended to give to our coast and our exposed and widely dispersed frontiers. He maintained that no part of the nation was more interested in that protection than our Northwestern and Southwestern frontiers. He therefore should vote for the amendment of the Senate; and believed, if no Indian war existed, that the increase proposed was necessary for our permanent peace establishment.

APPENDIX

TO THE REGISTER OF DEBATES IN CONGRESS.

TWENTY-FOURTH CONGRESS—First Session.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES,

TO BOTH HOUSES OF CONGRESS,

AT THE COMMENCEMENT OF THE TWENTY-FOURTH CONGRESS, DECEMBER 7, 1835.

Fellow-citizens of the Senate
and House of Representatives:

In the discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns, and the devout hope which I cherish, that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country, having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past, that, if true to ourselves, there can be no formidable obstacle in the future, to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, at once contrasted with the power of some of the states of the old world, should we now be solicitous as to those which belong to the conviction, that it is to our own conduct we must look for the preservation of those causes, on which depend the excellence and the duration of our happy system of Government.

In the example of other systems, founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the People of the United States; and that the testimony which our experience thus far holds out to the great human family, of the praticability and the blessings of free government will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards: in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home, which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached: and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign Powers—we have every reason to feel proud of our beloved country.

The general state of our Foreign Relations has not materially changed since my last annual message.

In the settlement of the question of the Northeastern boundary, little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence, that with the strong mutual disposition which I believe exists, to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the Northeastern frontier, of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will, no doubt, have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them. That Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal, are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The instalments due under the Convention with the King of the Two Sicilies, have been paid with that scrupulous fidelity by which his whole conduct has been characterised, and the hope is indulged, that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been, by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us, have been, nevertheless, faithfully executed by the Spanish Government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by it, been placed in the possession of the United States, and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed Minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the Commissioners, at a critical moment, embarrassed the progress of the delivery of them. The higher officers of the local Government have recently shown an anxious desire, in compliance with the orders from the parent Government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid, for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere, as have availed themselves of the intimation given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted, that simultaneous appointments, by all, of ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark, stand on the usual favorable bases. One of the articles of our treaty with Russia, in relation to the trade on the Northwest coast of America, having expired, instructions have been given to our Minister at St. Petersburg to negotiate a renewal of it. The long and unbroken amity between the two Governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than, with our view of the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January, 1825, and 18th January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, a respect for his reference of it to the Legislature, has alone prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes, on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United States. Giving the same privileges, the Belgians expected the same benefits—benefits that were in fact enjoyed when Belgium and Holland were united under one government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans; and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality, by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made, has, in my judgment, failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality, on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly Powers.

With the Sublime Porte, and all the Governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send, within the current year, a Minister to the United States.

A Convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded, and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing, and powerful inducements held out to the citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the District Attorneys of the United States, where indications warranted it, to prosecute, without respect to persons, all who might attempt to violate the obligations of our neutrality: while at the same time it has been thought necessary to apprize the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chili, Peru, Central America, Venezuela, and New Granada, constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With those Governments upon which our citizens have valid and accumulating claims, scarcely an advance towards a settlement of them is made, owing mainly to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be, still further severely tried; but our fellow-citizens whose interests are involved, may confide in the determination of the Government to obtain for them, eventually, ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a Government sufficiently stable is erected to justify expectation of redress—Ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together, with the existing Government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a Government competent and enduring enough to discuss and to make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her Legislature, and the money has been appropriated for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American People to require description. It is sufficient to say, that, for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggressions on the part of France—aggressions, the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention, as well of the laws of nations, as of treaty stipulations: burnings on the high seas, and seizures and confiscations, under special imperial rescripts, in the ports of other nations occupied by the armies, or under the control of France.—Such, it is now conceded, is the character of the wrongs we suffered—wrongs, in many cases, so flagrant, that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact, that after the burning of a large amount at sea, and the necessary deterioration, in other cases, by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French Treasury upwards of twenty-four millions of francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time, when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious; and the line of duty was to my mind equally so. This was, either to insist upon the adjustment of our claims within a reasonable period, or to abandon them altogether. I could not doubt that, by this course, the interests and honor of both countries would be best consulted. Instructions were therefore given in this spirit, to the Minister who was sent out, once more to demand reparation. Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The then French Ministry took exception to the message on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American minister, of his own accord, refuted the construction which was attempted to be put upon the message, and, at the same time, called to the recollection of the French Ministry, that the President's message was a communication addressed, not to Foreign Governments, but to the Congress of the United States, in which it was enjoined upon him, by the constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as its domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress, in due time, to what might be the possible consequences of existing difficulties with any foreign Government, he might fairly be supposed to do so under a sense of what was due from him in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign Power. The views taken by him received my approbation; the French Government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognising the justice of our claims, in part, and promising payment to the amount of twenty-five millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged at Washington, on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French, in terms which are certainly not mere matters of form, and of which the translation is as follows: "We, approving the above convention, in all and each of the dispositions which are contained in it, do declare, by ourselves, as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a King, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause, or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French Government, in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without any thing like a serious attempt to obtain a decision upon the subject; and that it was not until the fourth session, almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the meantime, the Government of the United States, having full confidence that a treaty entered into and so solemnly ratified by the French King, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment, which was to become due on the second day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the non-payment of the money by France, conformably to her engagement, the United States were exposed to a heavy claim on the part of the Bank, under pretence of damages, in satisfaction of which that institution seized upon, and still retains, an equal amount of the public moneys. Congress was in session when the decision of the Chambers reached Washington, and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that by doing so neither the interest nor the honor of my country would be compromitted. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred, in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation would be such as I have described them to have been, was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King, in person, expressed through our Minister at Paris his profound regret at the decision of the Chambers, and promised to send, forthwith, a national ship with despatches to his Minister here, authorizing him to give such assurances as would satisfy the Government and People of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the Minister received his instructions. Claiming to act under the authority derived from them, he gave to this Government in the name of his, the most solemn assurances, that, as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his Ministers should be put in requisition to accomplish the object; and he was understood and so expressly informed by this Government at the time, to engage that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France, were not realized. The French Chambers met on the 31st of July, 1834, soon after the election; and although our Minister in Paris urged the French Ministry to bring the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be re-assembled at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late, that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress by the Constitution. The reasons given by the Ministry for refusing to convoke the Chambers at an early period, were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call, for domestic purposes—which fact, however, did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as in my judgment, the occasion called for. To this end, an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk, in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others, would have been unworthy of us. To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper. Admonished by the past of the difficulty of making even the simplest statement of our wrongs, without disturbing the sensibilities of those who had, by their position, become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect any thing from her fears. The message did not reach Paris until more than a month after the Chambers had been in session; and such was the insensibility of the Ministry to our rightful claims and just expectations, that our Minister had been informed that the matter, when introduced, would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French Ministry decided to consider the conditional recommendation of reprisals, a menace and an insult, which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were, the immediate recall of their Minister at Washington, the offer of passports to the American Minister at Paris, and a public notice to the Legislative Chambers, that all diplomatic intercourse with the United States had been suspended.

Having, in this manner, vindicated the dignity of France, they next proceeded to illustrate her justice. To this end a bill was immediately introduced into the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer, with some particularity, to the proceedings and discussions in regard to it. The Minister of Finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the Ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor People of the United States were responsible, and that an engagement had been entered into, for the fulfilment of which the honor of France was pledged. Entertaining these views, the single condition which the French Ministry proposed to annex to the payment of the money was, that it should not be made until it was ascertained that the Government of the United States had done nothing to injure the interests of France; or, in other words, that no steps had been authorized by Congress of a hostile character towards France.

What the disposition or action of Congress might be, was then unknown to the French Cabinet. But, on the 14th of January, the Senate resolved that it was, at that time, inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee, to whom the bill of indemnification had been referred, reported it to the Chamber of Deputies. That committee substantially re-echoed the sentiments of the Ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid, and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message, of the 2d December, 1834; and what is still more extraordinary, the President of the Council of Ministers adopted this amendment, and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their Minister, and the offer of passports to ours, they now, for the first time, proposed to ask explanations. Sentiments and propositions, which they had declared could not justly be imputed to the Government or People of the United States, are set up as obstacles to the performance of an act of conceded justice to that Government and People. They had declared that the honor of France required the fulfilment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfilment is refused, unless they first obtain from the President explanations of an opinion characterized by themselves as personal and inoperative.

The conception that it was my intention to menace or insult the Government of France, is as unfounded, as the attempt to extort from the fears of that nation what her sense of justice may deny, would be vain and ridiculous. But the constitution of the United States imposes on the President the duty of laying before Congress the condition of the country, in its foreign and domestic relations, and of recommending such measures as may, in his opinion, be required by its interests. From the performance of this duty he cannot be deterred by the fear of wounding the sensibilities of the people or Government of whom it may become necessary to speak; and the American People are incapable of submitting to an interference, by any Government on earth, however powerful, with the free performance of the domestic duties which the constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our Government belong to ourselves; and, for any thing said in them, our public servants are only responsible to their own constituents, and to each other. If, in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice, and what is due to their own character; but they can never submit to be interrogated upon the subject, as a matter of right, by a foreign Power. When our discussions terminate in acts, our responsibility to foreign Powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message, would equally justify a foreign Power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington, and the first President Adams, in the performance of their duties to the American People, fell under the animadversions of the French Directory. The objection taken by the Ministry of Charles X, and removed by the explanations made by our Minister upon the spot, has already been adverted to. When it was understood that the Ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late Minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government under date of the 29th of January, 1835, calculated to remove all impressions which an unreasonable susceptibility had created. He repeated, and called the attention of the French Government to, the disavowal contained in the message itself, of any intention to intimidate by menace—he truly declared that it contained, and was intended to contain, no charge of ill-faith against the King of the French, and properly distinguished between the right to complain in unexceptionable terms, of the omission to execute an agreement, and an accusation of bad motives in withholding such execution—and demonstrated, that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions, and entirely on the Minister's own responsibility, yet it was afterwards made the act of this Government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French Government. It, however, failed to have any effect. The law, after this friendly explanation, passed with the obnoxious amendment, supported by the King's Ministers, and was finally approved by the King.

The People of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note of the 29th of January, to which I have before alluded, was not the only one which our Minister took upon himself the responsibility of presenting, on the same subject, and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French Government, that whilst self-respect and a regard to the dignity of other nations would always prevent us from using any language that ought to give offence, yet we could never admit a right in any foreign Government to ask explanations of, or to interfere in any manner in, the communications which one branch of our public councils made with another: that in the present case no such language had been used, and that this had in a former note been fully and voluntarily stated, before it was contemplated to make the explanation a condition: and that there might be no misapprehension, he stated the terms used in that note, and he officially informed them that it had been approved by the President; and that, therefore, every explanation which could reasonably be asked, or honorably given, had been already made—that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was therefore not only useless, but might be deemed offensive, and certainly would not be complied with, if annexed as a condition.

When this latter communication, to which I specially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford, of an honorable and speedy adjustment of the difficulties between the two nations, would have been accepted, and I therefore did not hesitate to give it my sanction and full approbation. This was due to the Minister who had made himself responsible for the act; and it was published to the People of the United States, and is now laid before their representatives, to show how far their Executive has gone in its endeavors to restore a good understanding between the two countries. It would have been, at any time, communicated to the Government of France, had it been officially requested.

The French Government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the instalments now due. The agent authorized to receive the money was instructed to inform the French Minister of his readiness to do so. In reply to this notice, he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official communication of the intentions of the French Government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our Chargé d'Affaires at Paris to be instructed to ask for the final determination of the French Government; and in the event of their refusal to pay the instalments now due, without further explanations, to return to the United States.

The result of this last application has not yet reached us, but is daily expected. That it may be favorable, is my sincere wish. France having now, through all the branches of her Government, acknowledged the validity of our claims, and the obligation of the treaty of 1831; and there really existing no adequate cause for further delay, will, at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries; nothing, indeed, which will not yield to the suggestions of a pacific and enlightened policy, and to the influence of that mutual good will and of those generous recollections, which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given to the controversy, is so vitally important to the independent administration of the Government, that it can neither be surrendered nor compromitted, without national degradation. I hope it is unnecessary for me to say, that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me, for the statement of truth and the performance of duty; nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather, in the estimation of what appertains to their national independence; and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally round the Government of their choice with alacrity and unanimity, and silence forever the degrading imputation.

Having thus frankly presented to you the circumstances which, since the last session of Congress, have occurred in this interesting and important matter, with the views of the Executive in regard to them, it is at this time only necessary to add, that whenever the advices, now daily expected from our Charge d'Affaires, shall have been received, they will be made the subject of a special communication.

The condition of the Public Finances was never more flattering than at the present period.

Since my last annual communication, all the remains of the Public Debt have been redeemed, or money has been placed in deposite for this purpose, whenever the creditors choose to receive it. All the other pecuniary engagements of the Government have been honorably and promptly fulfilled, and there will be a balance in the Treasury, at the close of the present year, of about nineteen millions of dollars. It is believed, that after meeting all outstanding and unexpended appropriations, there will remain near eleven millions to be applied to any new objects which Congress may designate, or to the more rapid execution of the works already in progress. In aid of these objects, and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received, from various sources, twenty millions more in 1836.

Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions, still the available surplus at the close of the next year, after deducting all unexpended appropriations, will probably be not less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our Navy Yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt, in our present peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the Secretary of the Treasury will enter into details, showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff, so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption, which are not in competition with our own productions, may be, no doubt, so diminished as to lessen, to some extent, the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defence, which, in the present state of our prosperity and wealth, may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish, as far as we can, the burdens of taxation, and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations, or those primary duties which the defence and independence of our country enjoin upon us. That we have accomplished much towards the relief of our citizens by the changes which have accompanied the payment of the public debt, and the adoption of the present revenue laws, is manifest from the fact, that, compared with 1833, there is a diminution of near twenty-five millions in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions during the same period. Let us trust, that by the continued observance of economy, and by harmonizing the great interests of agriculture, manufactures, and commerce, much more may be accomplished to diminish the burdens of Government, and to increase still further the enterprise and the patriotic affection of all classes of our citizens, and all the members of our happy Confederacy. As the data which the Secretary of the Treasury will lay before you, in regard to our financial resources, are full and extended, and will afford a safe guide in your future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of $11,000,000.—This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances, and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it in my former messages.

The extraordinary receipts from the sales of the public lands invite you to consider what improvements the land system, and particularly the condition of the General Land Office, may require. At the time this institution was organized, near a quarter of a century ago, it would probably have been thought extravagant to anticipate, for this period, such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that, since the year 1812, the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments, from year to year since that time, have imposed a great amount of new and additional duties upon that office; while the want of a timely application of force, commensurate with the care and labor required, has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the General Land Office induce me to submit to your judgment, whether some modification of the laws relating to its organization, or an organization of a new character, be not called for at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree of facility and promptitude than experience has proved to be practicable, under existing regulations. The variety of the concerns, and the magnitude and complexity of the details occupying and dividing the attention of the Commissioner, appear to render it difficult, if not impracticable, for that officer, by any possible assiduity, to bestow on all the multifarious subjects, upon which he is called to act, the ready and careful attention due to their respective importance; unless the Legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility, among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office, subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service, as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress, hereafter, to proportion the expenditure on account of this branch of the service to its real wants, by abolishing, from time to time, the offices which can be dispensed with.

The extinction of the Public Debt having taken place, there is no longer any use for the offices of Commissioners of Loans and of the Sinking Fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer, to the Treasury Department, of any funds, books, and papers, connected with the operations of those offices; and that the proper power be given to that Department for closing, finally, any portion of their business which may remain to be settled.

It is also incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue; and to provide for the designation of an agent, whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it, after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock, it will be essential to define, clearly and strictly, the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the Secretary of the Treasury will lay before you, that, notwithstanding the large amount of the stock which the United States hold in that institution, no information has yet been communicated which will enable the Government to anticipate when it can receive any dividends, or derive any benefit from it.

Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorised to be established in North Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions, connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value, which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States, that from the credit given to it by the custody of the public moneys, and other privileges, and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the State institutions of that period, we should derive from that institution all the security and benefits of a sound currency, and every good end that was attainable under that provision of the Constitution which authorises Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized. After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which, if acquiesced in by the People, would have changed the whole character of our Government, every candid and intelligent individual must admit that, for the attainment of the great advantages of a sound currency, we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end, we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the Republic. We must recur to first principles, and see what it is that has prevented the legislation of Congress and the States, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession, and generous patriotism, which was originally, and must ever continue to be, the vital element of our Union.

On this subject I am sure that I cannot be mistaken, in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered, may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily, they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprung is an ever active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the People, or the treachery of their representatives, to the subtle progress of its influence. The Bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions—a system founded upon a political creed, the fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object, and inevitable result, should it prevail, is the consolidation of all power in our system in one central Government. Lavish public disbursements, and corporations with exclusive privileges, would be its substitutes for the original, and, as yet, sound checks and balances of the constitution—the means by whose silent and secret operation a control would be exercised by the few over the political conduct of the many, by first acquiring that control over the labor and earnings of the great body of the People. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of Government, it has to be incessantly watched, or it corrupts the sources of the public virtue, and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid, as such, indeed, in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

It has been seen, that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained, that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.

To this subject I feel that I cannot too earnestly invite the especial attention of Congress, without the exercise of whose authority, the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the Executive has taken all the steps within his constitutional power, to guard the public revenue, and defeat the expectation which the Bank of the United States indulged, of renewing and perpetuating its monopoly, on the ground of its necessity as a fiscal agent, and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty much responsibility was incurred which would have been gladly avoided, if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority, and supported by precedent, I was aware that there was, in the act of the removal of the deposites, a liability to excite that sensitiveness to Executive power which it is the characteristic and the duty of freemen to indulge: but I relied on this feeling, also, directed by patriotism and intelligence, to vindicate the conduct which, in the end, would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked. Under the operation of our institutions, the public servant who is called on to take a step of high responsibility, should feel in the freedom which gives rise to such apprehensions, his highest security. When unfounded, the attention which they arouse, and the discussions they excite, deprive those who indulge them, of the power to do harm: when just, they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposites, it was impossible for me to be deterred from the path of duty, by a fear that my motives could be misjudged, or that political prejudices could defeat the just consideration of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of the People. That measure has now been before them, and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited, were calculated to produce: and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have, on former occasions, said on this subject generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with their safe keeping should be given to the Executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, Executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money, this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the Bank of the United States; which has resulted in severing, to some extent, a dangerous connexion between a moneyed and political power. The duty of the legislature to define, by clear and positive enactment, the nature and extent of the action which it belongs to the Executive to superintend, springs out of a policy analogous to that which enjoins upon all the branches of the Federal Government an abstinence from the exercise of powers not clearly granted. In such a Government, possessing only limited and speccific powers, the spirit of its general administration cannot be wise or just, when it opposes the reference of all doubtful points to the great source of authority, the States and the People; whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the Executive, with reference to the Legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority, which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the People in that body.

In my former messages to Congress I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various departments; but it has produced no effect as yet, except the discontinuance of extra allowances in the Army and Navy, and the substitution of fixed salaries in the latter. It is believed that the same principles could be advantageously applied, in all cases, and would promote the efficiency and economy of the public service, at the same time that greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying Report of the Secretary of War will put you in possession of the operations of the department confided to his care, in all its diversified relations, during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontier, with the exceptions stated by the Secretary of War. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional force may be collected, should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the army, have improved its condition and have rendered its organization more useful and efficient. It is at all times in a state for prompt and vigorous action, and it contains within itself the power of extension to any useful limit; while, at the same time, it preserves that knowledge, both theoretical and practical, which education and experience alone can give; and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the Engineer Corps press heavily upon that branch of the service; and the public interest requires an addition to its strength. The nature of the works in which the officers are engaged, render necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform, or in assigning these to other persons temporarily employed, and too often, of necessity, without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress, and now renewed, for a re-organization of the Topographical Corps. This re-organization can be effected without any addition to the present expenditure, and with much advantage to the public service. The branch of duties which devolves upon these officers is at all times interesting to the community, and the information furnished by them is useful in peace and in war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation inserted in accordance with the views of the Executive in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic seabord in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it peculiar force, and make it my duty to call to the subject your special consideration.

The present system of Military Education has been in operation sufficiently long to test its usefulness, and it has given to the army a valuable body of officers. It is not alone in the improvement, discipline, and operation of the troops, that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the War Department; in the execution of the staff duties, usually appertaining to military organization; in the removal of the Indians, and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads, and in the improvement of harbors and rivers; in the construction of fortifications; in the fabrication of much of the *materiel* required for the public defence; and in the preservation, distribution, and accountability of the whole; and in other miscellaneous duties, not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, science, and business habits in their execution; and a system which shall secure these qualifications is demanded by the public interest. That this object has been, in a great measure, obtained by the Military Academy, is shown by the state of the service, and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education, no doubt, has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections, and by legislative scrutiny, without destroying the institution itself.

Occurrences, to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the Militia. I am again induced, by the importance of the subject, to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely, in the first instance, upon the great body of the community, whose will has instituted, and whose power must support the Government. A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger, as well as the enormous expense, of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which, from age, is qualified for the duty, and may be called to perform it with least injury to themselves, or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment, and worth the expense. No one appreciating the blessings of a republican government, can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offence to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offence is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defence afford the best security against those collisions which the ambition, or interest, or some other passion of nations, not more justifiable, is liable to produce. In many countries, it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the People are the sovereign power. Our Government was instituted, and is supported, by the ballot-box, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the Aboriginal people who yet remain within the settled portions of the United States, to the country west of the Mississippi river, approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact, that they cannot live in contact with a civilized community and prosper. Ages of fruitless endeavors, have at length brought us to a knowledge of this principle of intercommunication with them. The past we cannot recall, but the future we can provide for. Independently of the treaty stipulations, into which we have entered with the various tribes, for the usufructuary rights they have ceded to us, no one can doubt the moral duty of the Government of the United States to protect, and, if possible, to preserve and perpetuate the scattered remnants of this race, which are left within our borders. In the discharge of this duty, an extensive region in the West has been assigned for their permanent residence. It has been divided into districts, and allotted among them. Many have already removed, and others are preparing to go; and with the exception of two small bands, living in Ohio and Indiana, not exceeding fifteen hundred persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and re-establishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished, has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population, the representations are highly favorable. To these districts the Indians are removed at the expense of the United States; and, with certain supplies of clothing, arms, ammunition, and other indispensable articles, they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country, and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not, they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require. Ample arrangements have also been made for the support of schools, in some instances council houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, &c. are supported among them.—Steel and iron, and sometimes salt, are purchased for them; and ploughs, and other farming utensils, domestic animals, looms, spinning wheels, cards, &c. are presented to them. And besides these beneficial arrangements, annuities are, in all cases, paid, amounting, in some instances, to more than thirty dollars for each individual of the tribe, and in all cases sufficiently great, if justly divided and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And, as a stimulus for exertion, it is now provided by law, that "in all cases of the appointment of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort, and for the moral improvement of the Indians. The necessary measures for their political advancement, and for their separation from our citizens have not been neglected. The pledge of the United States has been given by Congress, that the country destined for the residence of this people, shall be forever "secured and guarantied to them." A country, west of Missouri and Arkansas, has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves, or by the United States for them, and with their concurrence. A barrier has thus been raised for their protection against the encroachments of our citizens, and guarding the Indians, as far as possible, from those evils which have brought them to their present condition. Summary authority has been given, by law, to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article, among those people, as the first and great step in their melioration. Half-way measures will answer no purpose. These cannot successfully contend against the cupidity of the seller, and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things between the Government and people of the United States, and these transplanted Indian tribes; and for the establishment among the latter, and with their own consent, of some principles of intercommunication, which their juxtaposition will call for; that moral may be substituted for physical force; the authority of a few and simple laws, for the tomahawk; and that an end may be put to those bloody wars, whose prosecution seems to have made a part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement; and a large portion of the moral debt we owe them will then be paid.

The Report from the Secretary of the Navy, showing the condition of that branch of the public service, is recommended to your special attention. It appears from it, that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration, and the more general one which regards this arm of the national defence as our best security against foreign aggressions, strongly urge the continuance of the measures which promote its gradual enlargement, and a speedy increase of the force which has been heretofore employed abroad and at home. You will perceive from the estimates which appear in the report of the Secretary of the Navy, that the expenditures necessary to this increase of its force, though of considerable amount, are small compared with the benefits which they will secure to the country.

As a means of strengthening this national arm, I also recommend to your particular attention the propriety of the suggestion which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner a nursery of skilful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships, is the possession of the means to man them efficiently; and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it cannot be doubted that whatever provision the liberality and wisdom of Congress may now adopt, with a view to the perfect organization of this branch of our service, will meet the approbation of all classes of our citizens.

By the report of the Postmaster General, it appears that the revenue of that department during the year ending on the 30th day of June last, exceeded its accruing responsibilities $236,206; and that the surplus of the present fiscal year is estimated at $476,227. It further appears that the debt of the department, on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about $1,061,381, exceeding the available means about $23,700; and that, on the 1st instant, about $597,077 of this debt had been paid; $409,991 out of postages accruing before July, and $187,086 out of postages accruing since. In these payments are included $67,000 of the old debt due to banks. After making these payments, the department had $73,000 in bank on the 1st instant. The pleasing assurance is given, that the department is entirely free from embarrassment, and that, by collection of outstanding balances, and using the current surplus, the remaining portion of the bank debt, and most of the other debt, will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the department will be able to sustain with perfect convenience an annual charge of $300,000 for the support of new routes, to commence as soon as they can be established and put in operation.

The measures adopted by the Postmaster General to bring the means of the department into action, and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested, and such salutary provisions in the laws regulating its administrative duties as the wisdom of Congress may devise or approve, that important department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the Postmaster General which relates to the carriage of the Mails of the United States upon railroads constructed by private corporations under the authority of the several States. The reliance which the General Government can place on these roads as a means of carrying on its operations, and the principles on which the use of them is to be obtained, cannot be too soon considered and settled. Already does the spirit of monopoly begin to exhibit its natural propensities, in attempts to exact from the public, for services which it supposes cannot be obtained on other terms, the most extravagant compensation. If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the States, can, by a direct refusal, or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country; and whether the United States cannot, without transcending their constitutional powers, secure to the Post Office Department the use of those roads, by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation. To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix by law the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the Postmaster General. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South, by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war. There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders—and peace depends upon the maintenance, in good faith, of those compromises of the constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding States to the Union, and to their fellow-citizens of the same blood in the South, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government, to which the greatest trust is confided, of preserving inviolate the relations created among the States by the constitution, is especially bound to avoid, in its own action, any thing that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty, in the first message which I communicated to Congress, to urge upon its attention the propriety of amending that part of the constitution which provides for the election of President and Vice President of the United States. The leading object which I had in view was the adoption of some new provisions, which would secure to the people the performance of this high duty, without any intermediate agency. In my annual communications since, I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it as an indication of their judgment, that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws cannot be too patiently examined, and ought not to be received with favor, until the great body of the people are thoroughly impressed with their necessity and value, as a remedy for real evils, I feel that in renewing the recommendation I have heretofore made on this subject, I am not transcending the bounds of a just deference to the sense of Congress, or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of the Government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system, that one of its most important securities consists in the separation of the Legislative and Executive powers, at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me, that the framers of the constitution, although they were anxious to mark the feature as a settled and fixed principle in the structure of the Government, did not adopt all the precautions that were necessary to secure its practical observance, and that we cannot be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our Confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it cannot be disguised that the contingency by which one branch of the Legislature is to form itself into an electoral college, cannot become one of ordinary occurrence, without producing incalculable mischief. What was intended as the medicine of the constitution in extreme cases, cannot be frequently used without changing its character, and, sooner or later, producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the Legislative and Executive functions, and, while it exposes each to temptations adverse to their efficiency as organs of the constitution and laws, its tendency will be to unite both in resisting the will of the People, and thus give a direction to the Government anti-republican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties founded on sectional interests is so much fostered by the extent of our territory. These interests, represented by candidates for the Presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good, and forgetful of the restraints which the great body of the People would enforce, if they were, in no contingency, to lose the right of expressing their will. The experience of our country, from the formation of the Government to the present day, demonstrates that the People cannot too soon adopt some stronger safeguard for their right to elect the highest officer known to the Constitution, than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia.

From whatever cause the great depression has arisen which now exists in the pecuniary concerns of this District, it is proper that its situation should be fully understood, and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of the District which their true interests require, and which does not conflict with the provisions of the constitution. It is believed that the laws for the government of the District require revisal and amendment, and that much good may be done by modifying the penal code, so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the Judicial system of the United States. As at present organized, the States of the Union derive unequal advantages from the Federal Judiciary, which have been so often pointed out that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the States that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the Judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

ANDREW JACKSON.

Washington, *7th December*, 1835.

DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE.

REPORT OF THE SECRETARY OF WAR.

War Department, *Nov.* 30, 1835.

To the President *of the United States:*

Sir: In conformity with your instructions, and with the usage of this Department, I have the honor to lay before you a statement of its operations during the past season, and reports from the various bureaux, exhibiting, in detail, their respective proceedings, as far as these appear to be sufficiently important for communication in the usual annual statements.

The general positions of the Army remain the same as at the time of my last report. Some movements, however, have taken place, which it is proper should be specially brought before you.

Fourteen companies have been placed under the command of General Clinch, in Florida, with a view to impose a proper restraint upon the Seminole Indians, who have occasionally evinced an unquiet spirit, and to ensure the execution of the treaty stipulations, providing for the removal of these Indians. As soon as this takes place, these troops will resume their proper positions.

The regiment of dragoons has been usefully employed in penetrating into the Indian country; in exhibiting to the Indians a force well calculated to check or to punish any hostilities they may commit, and in adding to our geographical knowledge of those remote regions. Colonel Kearney, with one detachment, marched through the country between the Des Moines and the Mississippi rivers; Colonel Dodge, with another, made an excursion south of Missouri towards the Rocky Mountains; and Major Mason, with a third, joined by a detachment of infantry, was employed in duties connected with the assemblage of a body of Indians, at the Cross Timbers, near the Great Western Prairie, for the purpose of establishing permanent specific relations between the remote wandering bands and the United States, and the more agricultural Indians, who have migrated, under the public faith, to that region, or who seemed disposed to improve their condition by more settled habits. The duties committed to these troops have been well performed.

The information concerning the discipline and *morale* of the army is satisfactory. The officers are engaged in a great diversity of duties, growing out of various acts of Congress, many of which have no direct connection with their professional avocations. These duties are satisfactorily executed, and the expenditures to which they lead are generally made with fidelity, and accounted for with promptitude.

I beg leave to ask your attention to the report of the Chief Engineer, in relation to the state of the corps under his command. The number of officers in that corps is not sufficient for the performance of the various duties committed to it. The consequence is, that, in some instances, the public works have been neglected or delayed, and in others they have been prosecuted by those who had not the necessary professional skill and experience. Persons in civil life, possessed of competent scientific knowledge, will not often enter into the temporary service of the Government for such compensation as is provided by law for the Engineer officers. The progress of improvement through the country creates a demand for those qualifications which are required in the military and topographical engineer service; and a higher rate of compensation is allowed than it has been the usage of this Department to grant. A gradual and moderate addition to the corps offers the only remedy for this state of things; and I am satisfied that considerations of economy, as well as a due regard to the proper execution of a most important class of public works, calls for this arrangement.

The same considerations apply in a considerable degree to the Topographical Corps, and I ask your favorable consideration for the measure recommended by the officer at the head of it. One of the plans suggested will accomplish the object without any addition to the public expenditures; and will make adequate provisions for a branch of service connected with the defence of the country, and which has also the advantage of furnishing information that may prove highly valuable to every portion of the community.

Agreeably to a provision in an act of the last session of Congress, that part of the Cumberland road between the town of Cumberland and the Ohio river, has been surrendered to and accepted by the States through which it passes; and arrangements have been made by the authority of these States for the collection of such tolls as will keep it in proper repair. The funds appropriated for the completion of this road have been applied to the object, and will be fully adequate to its attainment. The work, with the exception of some of the bridges, and of a few necessary repairs, is nearly finished, and is passable in its whole extent. All accounts concur in representing it as constructed in the most faithful manner. Captain Delafield, who has superintended the operations, and the officers engaged with him, are entitled to commendation for the zeal and professional ability they have displayed.

The United States are exonerated from all future claims on account of this road, while competent provision has been made for its preservation.

The progress in the other works of internal improvement is shown in the report of the Chief Engineer. Among these, one of the most remarkable, as well from its importance, as from the unexpected facility with which it has so far been executed, is the removal of the raft over Red river. An immense body of timber, extending one hundred and eleven miles along that stream, had covered a large portion of its surface, and interrupted all communication. This has probably been collecting for ages; and not only was this great natural highway thus shut up by it, but a fertile and extensive region along the river was inundated, and the whole country in its vicinity subject to local diseases having their origin in this submersion.

This work has been in progress, upon the present system, little more than two years, and the whole expenditure including a sum of twenty-three thousand dollars, which was applied in previous experiments that failed, has been about one hundred and thirty-five thousand dollars. It is estimated that an additional appropriation of forty thousand seven hundred and thirteen dollars will be required to complete it; and which, with the sum of ten thousand dollars now in the Treasury, will make for the whole cost one hundred and eighty-five thousand seven hundred and thirteen dollars. The river has been cleared a distance of eighty-eight miles, and there yet remains twenty-three miles of obstructions to remove. This portion it is expected will be finished early in the next season, if the necessary appropriations are made in time.

Before the present plan of effecting this work was adopted, there were various projects suggested for its accomplishment; but the most sanguine projector could not have anticipated such a great physical change, as is already taking place, within the time and the means that have been devoted to the work. A loose estimate of the land which will be reclaimed and rendered valuable by this improvement, which has been made by Colonel Brooks, formerly Indian agent in Louisiana, and intimately acquainted with the region upon Red river, places it at upwards of a million of acres; and it will form one of the most productive districts in the Union. This operation, as a mere matter of pecuniary value, will return many times the amount expended upon it.

I have brought the subject to your view at this time, not only on account of its intrinsic importance, but from the encouragement it affords to the introduction and prosecution of a system of improvement, by which the public lands upon the lower Mississippi, and some of its tributaries, may be reclaimed from their present condition, and rendered fit for agricultural purposes. Whether the object be attainable, within the limits of a reasonable expense, there are not satisfactory data for determining. But its great results to the country, in health, in power, and in wealth, are obvious.

No appropriations having been made at the last session of Congress for the prosecution of the works upon the fortifications, it has been deemed proper to submit additional estimates of these objects. And as some of the forts first commenced have been completed, estimates have also been approved by you for the commencement of others, which have been recommended by the Board of Engineers in the continuation of the system of defence devised by them and submitted to Congress. A number of our most important harbors and inlets are yet either wholly undefended, or so partially protected, as to render their situation altogether insecure in the event of exposure to hostile attempts. An adherence to the general plan of defence, and a gradual prosecution of the work as the national finances and other considerations may justify, seem to be demanded by a just regard to the circumstances of the country, as well as by the experience which the events of the last war forced upon us.

In addition, however, to these permanent fortifications, there are some of our most extensive roadsteads, in which floating steam batteries ought to be employed. Among these are the Chesapeake and Delaware bays, and the harbor of New York. The peculiar situation of these estuaries, as well with relation to their exposure, as to the best measures for their defence, and the immense value of the navigation and commerce of which they are the outlets and inlets, render their security a matter of deep interest to the whole country. When the present system of defence was projected, I understand, the Board of Engineers contemplated the eventual construction of these moving batteries, as a part of their plan. The great improvements which have since taken place, in all that relates to the application of the power of steam, furnish additional motives for providing these co-operative defences. Alternately protecting and protected by the fixed batteries, these moveable ones will be found to be of the highest importance. In fact, with an adequate force of this description, stationed in the vicinity of our permanent military works, and enabled to take refuge under their cover, whenever necessary, a hostile fleet would scarcely venture to pass the position, and thereby expose itself to the hazard of annoyance in detail, and of being captured and destroyed, whenever a calm, a change of wind, or any other of the many accidents to which a maritime force is liable, might furnish a favorable opportunity for the action of the steam batteries. Our Atlantic frontier will not be properly secured till this means of efficient co-operation in its defence is introduced.

In my last annual report I communicated the facts which appeared to render it proper that the operations upon two of the most important works, Fort Calhoun and the Delaware Breakwater, should be temporarily suspended. Experiments have been made to test the effects and probable extent of the causes which were in operation, and which threatened to injure, if not destroy, the utility of these works. It is believed that the depression of the foundation of Fort Calhoun is so nearly checked, that further danger is not to be apprehended. But as will be seen by the report of the Quartermaster-General, the experiments at the Breakwater have not been so decisive as to settle the question connected with that work, and it has been thought best to ask of Congress an appropriation only for one hundred thousand dollars, which, under any probable circumstances, can be judiciously expended. It is to be hoped that the experiments which will be continued, and the scientific examination it is proposed to make next season, will furnish data for a just conclusion on the subject of this important structure, and indicate, either that the causes which have threatened to injure its utility have produced their full effect, or that they may be counteracted by some change in the original plan. This artificial harbor is too valuable to an extensive commerce peculiarly exposed, not to engage every effort in completing it, and preserving it from destruction.

The Report of the Visiters appointed to inspect the Military Academy, and the documents transmitted by them, are submitted for your consideration, together with the suggestions they have made, and which are calculated, in their opinion, to promote the efficiency of that institution. These annual examinations by a body of highly respectable citizens, called from various parts of the country, are not only useful as checks upon any improper tendency to which all public establishments are more or less liable, but they are satisfactory, when they bear testimony to the value of the system, and to the correctness of its administration, and practically advantageous by the suggestions they offer. That improvements may be made in the several departments of the Military Academy cannot be doubted. Nor can it be doubted that a thorough examination by Congress of its various concerns, whether administrative, financial, or instructive, would be highly useful, and would tend to its permanent melioration. Its results, so far as these can be judged by the character, conduct, and qualifications of the officers of the army, about two-thirds of whom have been educated at this institution, have been decidedly beneficial. The standard of acquirement for the military profession has been raised; habits of discipline and subordination, necessary first to learn, before the duty of command can be properly executed, have been acquired; elementary knowledge peculiarly adapted to a military life has been more extensively and accurately taught, and we have been better enabled to keep pace with those improvements which the nations of Europe have made and are making in this important branch of modern science.

Agreeably to your permission, I have introduced into the estimates an additional sum for the armament of the fortifications. Without going into any unnecessary detail upon this subject at the present time, I will barely remark that this measure is called for by the actual state of our preparations, and by a provident regard to the duty of self-defence. If no increase takes place in this branch of the service, many years must elapse before our fortifications and arsenals are sufficiently provided.

A resolution passed the House of Representatives, at the last session, requiring the Secretary of War to procure certain information, having relation to the establishment of a national foundry in the District of Columbia. The information which has been collected will be communicated in obedience to the resolution; but I am so impressed with the importance of the measure, that I am induced to bring it to your notice in this report.

The United States have no establishment for the manufacture of cannon. The supplies wanted, as well for the field artillery of the army and militia as for the armament of the fortifications, are now procured from four private foundries: one near Richmond, one at Georgetown, one opposite West Point, and one at Pittsburg, which appear to have been established, at several periods, in the expectation that their products would be received by the Government, as the public necessities might require, and at such prices as might, from time to time, be judged reasonable. As there is no private demand for this manufacture in our country, it is obvious that no person would make the requisite preparations, which are understood to demand considerable investments, and the employment of skilful workmen, practically acquainted with this branch of business, unless expectations of a just reimbursement were held out. Contracts for limited periods have, from time to time, been made, providing for the delivery of stipulated quantities; but, as I had the honor to communicate to you in my annual report of November 21st, 1831, the act of Congress of 3d March, 1809 seems to present serious difficulties in the way of such an arrangement, and since that time no formal contract has been made for the supply of cannon. The proprietors of these foundries have been annually informed that, if the appropriations would permit, and if cannon of designated quality and size were fabricated, these would be purchased. In this manner the subject has lingered, without any action on the part of Congress, and without any authority on the part of this Department, to make more efficient arrangements. During the present year, the appropriation for the armament of the fortifications has been principally expended in procuring iron gun-carriages; and the foundries have not been employed in the fabrication of cannon for the military branch of the service. It is believed that this circumstance, by deranging their operations, has been seriously injurious, and, if it again occur, it may induce some of them to discharge the workmen specially employed upon this business, and who may hereafter be collected with great difficulty. The Government now depends upon this temporary and uncertain arrangement for the supply of this indispensable element of national defence. The circumstances which required a change, I had the honor to submit four years since. They have lost none of their force during the period which has intervened; and, independently of the considerations presented having relation to the uncertain condition of these establishments, there are others, bearing upon the quality of the material and the workmanship, which render it important that the Government should be its own manufacturer of this article. The cost of cannon, while this is kept within a reasonable limit, is not an object, compared with the two qualities of strength and lightness. With the exertions of the present manufacturers of cannon, so far as the necessary facts are known to me, I have reason to be satisfied. But it is sufficiently obvious that, in a branch of business where a slight difference in the material, and slight neglect in the process, may produce irremediable mischief, and where, from causes not easily ascertained, these defects may disclose themselves in the midst of the most active service, and after the guns have resisted all the usual proofs, the manufacture of the article should be carried on where these neglects are least likely to happen; where, in fact, there can be no interest to use any other than the best materials, nor to employ any other than the most skilful artisans. Time and experience are necessary to found and perfect an establishment for this purpose upon a scale suited to our wants.

It does not seem necessary to exhibit in detail the number of cannon now in the possession of the Government, and distributed in its forts, arsenals, and temporary posts, and the number that will be required to complete the armament of the fortifications already constructed, of those in the process of construction, and of those projected, and the number necessary for the proper demands of field service. It is sufficient to observe here, that the quantity is far more than enough to justify extensive and vigorous arrangements; and this without reference to the accidents of time and service, which must always operate to reduce the stock on hand.

Such an establishment as the one contemplated could be employed as well for the Navy as Army; but, while I allude to its general usefulness, it is proper I should avoid all details peculiarly appropriate to another department.

The defective organization of the militia is universally acknowledged. But little practical utility results from the administration of the present system; and if this great element of national defence is worth preservation and improvement, it is time the whole subject should be examined, and that a plan, suited to the exigencies of the country, should be adopted. I am unwilling to believe that there are such inherent difficulties in this subject as to render it impracticable, or even very difficult, to organize this great force, so peculiarly adapted to our institutions, and in such a manner as to render it active and efficient in those junctures when the country may be called on to exert its power. I presume few would be found to advocate the maintenance of a standing military force, adequate to all the purposes of peace and war. When, therefore, these exigencies arise, from which no nation can expect exemption, and which call for an extension of our physical means, we must resort to an increase of the Army, or to the embodying of the militia. It is obvious, from the extent of the country, that we can never keep, at all the exposed points, such a permanent force as circumstances may occasionally require. The natural, and, in fact, the necessary dependence must be upon the militia; and, if it be unorganized, we shall be found without the means to repel a foreign enemy, or to repress internal disturbances, should these evils occur. To depend upon organizing a system when the exigency arises, is to reject all lessons of experience, and to procrastinate for examination, what should then be the subject of action. Besides, a permanent plan of organization should be devised in a time of leisure and peace, so that it may be introduced and thoroughly known before the force provided by it is required to be exerted. It should, as much as possible, be ingrafted upon the habits of the country, and become a part of our institutions. The basis of an efficient organization of the militia must be a selection for instruction and service of that part of the population best qualified for these duties. Age and physical capacity present the proper considerations for such a selection. The principle is stated with his usual force by Mr. Jefferson, in his message to Congress of December, 1805, wherein he said:

"Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient for a state of peace, as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the service of the younger portions, unencumbered with the old and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces, after the necessity of them shall become certain; and the reducing to the early period of life all its active services, cannot but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them, in more advanced age, a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called in regular rotation."

Had the general principles here recommended been practically adopted, and a corresponding system established, with the necessary details, first for instruction, and then for active service, it cannot be doubted that the course of events, which marked the commencement of the late war, would have been avoided, and an immense expenditure of blood and treasure saved to the nation. The warning voice, which was not heeded then, may perhaps be heard now; and if it is, it may produce incalculable benefits.

A Board of officers of the Army and Militia was organized some years since, under the instructions of this Department, and by virtue of a resolution of Congress, for the purpose of examining this subject, and of devising a practicable plan for the organization, improvement, and efficient action of the militia. Their report contains the outline of a *projet*, which, with some modifications, appears to me to combine as many advantages as any other that can, probably, be adopted. The basis was a classification of the adult male population of the United States, and a selection of so many persons from it, above the age of twenty-one years, as should be necessary to complete the number required to be enrolled and organized at all times for actual service; beginning in all cases with the youngest above the prescribed age. Their report stopped at the number they deemed necessary for constant equipment. As regards instruction and preparation, this limitation is no doubt proper; but still it would probably be deemed advisable, so far to organize the whole body, within certain ages, as to produce a classification, and to afford the requisite facilities towards calling them into service in succession, should any contingency demand a larger force than the first division could supply. This arrangement would render available for the defence of the country its whole physical force; not that any event could require it all to be embodied at the same time, but because a particular section might sometimes be peculiarly exposed, and call for the services of a large proportion of its population; and the continuance of the pressure might render it necessrry to discharge, in succession, those who had performed their prescribed terms, and to require the services of others.

A mere organization would avail but little, unless inducements were held out for proper instructions and equipment. And I consider, therefore, some provision for elementary instruction, and for such equipment as may be necessary to excite a proper emulation, indispensable to any improvement of our militia system—indispensable, I may add, to its very existence. An arrangement for these objects would embrace the first class only. It would, to be sure, involve expense, for an adequate compensation must be allowed to the persons required to be embodied at these schools of instruction, for a few days in the year. And it would probably be found expedient to continue the present plan of voluntary corps, with some changes, and to require them also to meet for improvement. It is in vain to expect that the whole adult male population of the country can or will furnish themselves with the articles required by law, or that their collection for any number of days they can afford to devote to this object, and under the usual circumstances of such assemblages, can produce any beneficial effect to themselves or their country. Already, in a number of the States, the system has sunk under the weight of public opinion; and the practical question now is, whether we shall remain in fact defenceless, or resort to a large standing military force in time of peace, that just dread of all free governments, or adopt an efficient plan, which will prepare for the public defence the greatest force at the least cost, and without danger. The blessings we have inherited cannot be preserved without exertion, nor without expense. It were idle to sit still and flatter ourselves with the hope that war is never to overtake us; and it would be worse to delay all efficient organization of our physical means, till the time for its active employment arrives. Nearly fifty years have elapsed since the adoption of the present constitution. During all that time, no essential change has been made in our militia system; and it has gradually declined in utility and efficiency, and in public confidence; and there is reason to fear its entire abandonment, unless it undergoes important modifications. In this long interval, the value of the system seems to have been appreciated by all the Presidents of the United States, as well those who, from the habits of their lives, could best estimate its value by their personal observation, as by those whose opinions may have been well formed from the course of events having relation to this matter; and in their annual communications, commencing with the inaugural address of General Washington, this subject has been almost constantly pressed upon the attention of Congress. For the purpose of showing its importance in the opinion of these eminent citizens, I have caused their communications to be examined, and find that the subject has been presented to the Legislature and the nation no less than thirty-one times in their official recommendations. I indulge the hope that the present state of public affairs may lead to a re-examination of the system, and to such changes as may render it permanently useful.

I am gratified in being able to announce to you that the Indians residing east of the Mississippi river, appear to be yielding to the conviction that their removal to the territory assigned for their residence in the West, offers the only rational prospect of any permanent improvement in their condition, and that this measure is essential to their prosperity. Both in the North and South the reports of the officers having charge of this matter are encouraging, and we may anticipate the full establishment of our present policy, and with the fairest prospects of success, if the pre-existing prejudices, which have so long operated to retard our efforts, can be removed.

The considerations which render this change of residence necessary are sufficiently obvious, and are founded upon results that have heretofore attended our intercourse with the Indians. The causes which have so long continued to reduce and depress them in their present situation within our borders, are yet in active operation. Their food derived from the chase is disappearing. Their habits are inveterate, and they cannot or will not accommodate themselves to the new circumstances which press upon them, in time to save themselves from extinction. And, above all, their contact with a white population has entailed and is entailing upon them evils, which, if not checked, must lead to their ruin. They appear to acquire with much greater facility the vices than the virtues of civilized life; and during the whole period they have been known to us, they have abandoned themselves, with strange improvidence, to the use of ardent spirits. From my own observation of the Indian character, I consider the indulgence of this habit as the great barrier against any improvement of that portion of this race which, from their position, are enabled, at pleasure, to gratify this propensity. The difficulty of putting a stop to this traffic while the Indians are intermingled with our citizens, is sufficiently obvious. And if they are to be rescued from its effects, they must be removed beyond the sphere of the traffic. This is certainly one of the most prominent reasons for the faithful prosecution of the system; and Congress, apparently impressed with its force, has provided by law that all ardent spirits found in the Indian country may be destroyed. The agents of the Government will not now be compelled, as formerly, to resort to legal process for the interdiction of this traffic, at the hazard of the trouble, expense, and uncertainty attending such prosecutions upon a remote frontier.

I consider the experiments which have recently been made to provide for the maintenance of the Indians, by reservations for their use, and with the power of alienation, however guarded, to have wholly failed. These tracts are too often sold for a very inadequate consideration, and the amount received is dissipated in expenditures either positively injurious or altogether useless.

As soon as the remaining tribes shall have been established in the West, we may look forward to a happier destiny for the Indians. And if this expectation be disappointed, the failure must be attributed to the inveterate habits of this people, and not to the policy of the Government. The arrangements for the comfortable establishment of the Indians have been projected upon a scale suited to their wants and condition, and to the duties of the United states. With a view to appreciate the advantages which have been secured to them, I deem it proper briefly to recapitulate provisions that have been made. These are not applicable, in all their details, to each tribe, as some receive more and some less in amount, while certain articles are given to some and not to others. But the general principles of distribution apply to all. An extensive country has been reserved for them, and has been divided into districts for the several tribes. To this they are removed at the expense of the United States.

They are provided with the necessary subsistence for one year after they reach their new residence.

Annuities, in specie, to a greater or less amount, are payable to each tribe.

Agricultural instruments, domestic animals, seed corn, salt, looms, cards, spinning wheels, iron, steel, cloths, blankets, rifles, ammunition, and other articles, are distributed among them.

Mills are erected and kept in operation. Council houses, churches, and dwelling houses for chiefs, are built.

Mechanics are engaged and supported; schools are established and maintained; and the missionary institutions among them are aided from the Treasury of the United States.

These are the principal arrangements made for the benefit of this unfortunate people, who will soon have been removed, at great expense, when this new system will be in full operation, and where their peculiar institutions can be preserved with such modifications as a progressive state of improvement may require. They will be separated, too, from the settled portions of the country by a fixed boundary, beyond which our population cannot pass.

The operations of the Department of Indian Affairs are shown in detail by the report of the Commissioner, and by that of the Commissary General of Subsistence. It was anticipated that a considerable body of the Creeks of Alabama would, ere this, have been on their way to the West. But recent information induces the belief that their journey has been postponed, but under circumstances which will probably insure their early removal in the spring. The treaty with the Seminoles of Florida, for their removal, is in the process of execution. A portion of the tribe were not prepared to go at the time arrangements were first proposed to be made for their removal, and when by the treaty they might have been required to depart. At their earnest solicitations, the measure was postponed until the coming winter, and assurances were given by them that they would then be prepared to remove. A majority avow their readiness to comply with their engagements, and will no doubt quietly go as soon as the arrangements for their departure shall have been completed. But some of them exhibit a refractory spirit, and evince a disposition to remain. As they now hold no land in Florida, and would become a lawless banditti if suffered to remain, their pretensions cannot be submitted to. They will, probably, when the time for operations arrives, quietly follow their countrymen. Should they not, measures will be adopted to insure this course, equally dictated by a just regard to their own welfare, as well as to that of our citizens in the vicinity of their residence.

Governor Stokes, General Arbuckle, and Major Armstrong, were appointed Commissioners to make a treaty with the roving tribes of Indians who inhabit the great Western prairie, with the view of establishing permanent pacific relations between these predatory tribes and the United States, and also between the same tribes and the other Indians of that region. The lamented death of Major Armstrong deprived the Government of the services of that valuable officer; but the other Commissioners succeeded in effecting a pacification, which I hope will lead to a friendly intercourse among all the tribes in that quarter.

Under the authority of an act of the last session of Congress, an arrangement has been made by Colonel Brookes with the Caddo Indians, for the cession of their claims to land in the State of Louisiana and Territory of Arkansas. This will be submitted to you at the proper time, for the consideration of the Senate.

I have the honor to be, with great respect, your obedient servant,

LEW. CASS.

REPORT OF THE SECRETARY OF THE NAVY.

Navy Department, 5th Dec. 1835.

To the President of the United States:

Sir: In presenting to your consideration the condition of our Navy for the past year, it affords me great satisfaction to state, that all the available means for its improvement have been successfully applied, and that its operations in protecting our commerce, although inadequate to the exigencies of that great and growing interest, have been highly honorable to the officers serving upon our naval stations, at home and abroad.

Since my report of the 29th of November, 1834, the ship of the line, North Carolina, has been thoroughly repaired in her hull, has been lately taken out of dock, and may be fitted for sea in eighty days.

The repairs of the ship of the line Independence, now in dock at Boston, have been commenced, and are progressing with great despatch. The frigates Constitution and Constellation have been equipped and sent to sea. The frigate United States has been prepared, and is ready for the reception of a crew. The hull of the frigate Columbia, at Washington, has been so nearly completed under the law for the gradual improvement of the navy, that she may be launched in the course of this month.

The sloops of war Peacock and Vandalia have been equipped and sent to sea. The sloop of war Warren is taking in her crew, and will sail in a few days. The sloops of war Concord and Boston have been prepared, and are ready for the reception of their crews; and the Lexington will be equally prepared in a few weeks.

The repairs of the sloops of war Falmouth and Natchez, and of the schooner Grampus, have been recently commenced, and it is believed that in a few weeks, they may be ready for the reception of their crews.

The building of a store ship, authorized by a law of the 30th of June, 1834, has been commenced at Philadelphia; and a steam vessel has been commenced at New York, but will not be ready for service until some time in the summer of 1836.

The ships of the line Alabama, Vermont, Virginia, Pennsylvania, and New York, and the frigates Santee, Cumberland, Sabine, Savannah, Raritan, and St. Lawrence, are on the stocks, well protected from the weather, and as nearly completed as it is proper they should be, until it is determined to launch them.

For a more detailed statement of the condition of those vessels, as well as that of the ships of the line, Franklin, Washington, Columbus, and Ohio, and their means of repair, I beg leave to refer to a report of the Commissioners of the Navy Board herewith submitted, marked K. And for the amount of timber, iron, and other materials, procured for the gradual improvement of the navy, I refer to their report marked L.

The ship of the line Delaware, the frigate Potomac, the sloop John Adams, and the schooner Shark, have been employed in the Mediterranean during the last year. The frigate Constitution sailed for that station on the 19th of August last from New York. The frigate United States returned from the Mediterranean on the 10th of December last. The Delaware is ordered to the United States, and is daily expected.

On the West India station, the sloops of war Vandalia, St. Louis, and Falmouth, and the schooners Grampus and Experiment have been employed. The Vandalia, after undergoing considerable repairs, sailed from Norfolk on the 14th of January last, to resume her station in the West Indies. The Falmouth returned from that station on the 1st of August last, and is now at Norfolk. The schooner Experiment also returned from that station in April last, and has been employed on the survey of the coast. The Grampus returned to Norfolk on the 23d of September last, is undergoing repairs, and will soon resume her station in the West India squadron. The frigate Constellation sailed for the West Indies on the 8th of October last from Norfolk.

The sloops of war Natchez, Erie, and Ontario, and the schooner Enterprise, composed the squadron on the Brazilian station. The Natchez has lately returned to the United States, having arrived at New York on the 3d of October. The schooner Enterprise has been detached from that station, and ordered on a cruise to the East Indies. She sailed in company with the sloop Peacock, from Rio, on the 12th of July last—the Peacock having sailed from

New York for that station on the 23d of April. In June last, the Ontario was ordered to the Coast of Africa, with instructions to visit the Island of St. Thomas, Bassa Cove, Cape Palmas, and Mesurado.

The vessels which have been employed in the Pacific are, the frigate Brandywine, and sloops Fairfield and Vincennes, and the schooners Dolphin and Grampus. The Vincennes has been ordered home by the way of the East Indies, and the Fairfield has lately arrived at Norfolk.

The events of the last year furnish much additional evidence that our naval force in commission, is not adequate to the protection of our rapidly increasing commerce. The frequent insurrections and revolutions in the Governments of South America and of Mexico, endanger our merchant vessels upon the Atlantic as well as Pacific ocean, and in the Gulf of Mexico, and even upon our own coast. Influenced by a knowledge of these circumstances, and in accordance with your suggestions, I have asked and obtained from the Board of Navy Commissioners, an estimate of the increased annual expense of adding two frigates, three sloops of war, and four steam vessels to our force now in commission, to be employed upon foreign stations, as well as upon our own coast. By their report, it appears that such an addition to our vessels in commission, would require annually an appropriation of four hundred and seventy-eight thousand dollars; but as not more than one steam vessel can be finished in the next year, the appropriation wanted for 1836, for this purpose, needs not exceed four hundred and thirty-four thousand dollars. This sum is small compared with the benefits that may be fairly calculated to result from its expenditure, in affording protection to our commerce, independently of the advantage t the efficiency and discipline of our navy, by calling into active service a large number of officers now unemployed. A large portion of the entire expenditure for the additional force proposed, must be incurred, even if it should not be called into service. The vessels necessary for such increase of force, (except the steam vessels,) will, if not so employed, remain at our wharves, affording no benefit to the country, and suffering more from decay than they would do if at sea; and a large portion of the officers necessary for their command, although earnestly asking for service, will remain on shore, receiving pay, but performing no duty; adding nothing to their professional skill, but losing their habits of discipline, which can only be preserved by constant exercise. Should the proposed increase of force be sanctioned by Congress, we shall have in commission, in the year 1836, one ship of the line, six frigates, fourteen sloops of war, five schooners, and one steam vessel; with an addition of three steam vessels in succeeding years, as soon as the same can be prepared; the estimated expense of which appears by the report of the Commissions marked D, 1.

Appropriations for the gradual improvement of our navy yards, are the next in importance to like appropriations for the gradual improvement of our navy. The necessity of more ample means for protecting our shipping, as well as the immense amount of public property in the different yards, must be apparent to every one who is acquainted with the subject; and the expediency of increasing the facilities for constructing and repairing our ships, is not less apparent. Moderate appropriations, in addition to those that are usual, for three or four years, would accomplish these important objects. In accordance with this view of the subject, I submit a letter of the Board of Navy Commissioners, marked E, No. 1, together with an estimate of the probable cost of the proposed improvements, which amount to three millions five hundred thousand dollars, including that of the dry dock at New York, amounting to nine hundred thousand dollars.

A National Foundry for the purpose of casting cannon, shot, and shells, as well for the army as the navy, was a subject of discussion before the two Houses of Congress, at their late session, but was postponed in consequence of the shortness of the session, and the pressure of more urgent business. No doubt can be entertained of the importance of such an establishment, when we consider the great improvements made in the fabrication of small arms at the different armories of the United States. In our future wars, especially on the ocean, we must rely much upon the excellence of our cannon. The bursting of a single gun may cause, as it often has done, the loss of a battle. The disasters from this cause, that occurred during the Revolutionary as well as the late war, admonish us to guard against like disasters in future; which, it is believed, may be avoided by the means proposed.

It is only by a long series of experiments, and these attended with great expense, that we can hope to discover the best material for making cannon which our country affords, and the art of fabricating them with the most perfect accuracy and efficiency. Believing that such discoveries and improvements are attainable, and that they would be highly important in the army, and still more so in the navy, I must be permitted to express a hope that the subject will be reviewed at the approaching session of Congress, and that the plan of a national foundry will be adopted.

The importance of rearing a body of Seamen, by enlisting into the service of our navy Boys over the age of thirteen, and under the age of eighteen, until they should arrive at the age of twenty-one years, has already attracted the attention of Congress. At the last session, a bill for this purpose was introduced into the Senate. Every year the importance of this measure becomes more apparent. Able seamen are much wanted, while there are boys enough in our cities, leading lives of idleness and vice for want of employment, who, if thus enlisted, under judicious regulations, would in a few years afford us a sufficient corps of able seamen to man our navy, and in the mean time render services to their country worth their pay.

The compensation to be given by the late pay bill to Professors of Mathematics, is such as to command the services of those who are every way competent to perform the duties of this station. A regulation is adopted, to appoint none to this station who shall not receive a certificate of competency, after submitting to a rigid examination by scientific gentlemen, who shall be appointed for that purpose. This will be of great advantage to the young officers of the Navy; and if a large portion of them should be called into active service by employing an additional naval force for the protection of our commerce, they will be enabled to perfect themselves in seamanship, the most important part of their education, and which can be acquired only at sea. But to make them accomplished officers, something more is required than what can probably be derived from those sources: a knowledge of military tactics, of engineering, and drawing, is deemed indispensable in the education of an officer of the Army, and which ought to be deemed equally so in the education of a naval officer. So much of chemistry, mineralogy, geology, and natural history, as is taught at the Military Academy, although not absolutely essential to the military or naval officer, yet is decidedly more important to the latter than to the former. If provision should be made for the admission of a class of one hundred midshipmen at a time at the Academy at West Point, to pursue such studies as should be prescribed by the Navy Department, and to be succeeded at the end of one or two years by another class, all in their turn might receive the advantage of this course of studies, highly necessary to their education as accomplished officers of the Navy, and at a small expense, as the midshipmen, while at the Academy, would receive no more pay than if attending the schools at the navy yards, or if waiting orders.

A National Observatory, although not immediately necessary to the defence of our country, is remotely so; and considered with reference to the bearing it would have upon our navy, our commerce, and scientific pursuits, it assumes an importance worthy of the consideration of Congress. It is hardly to be doubted that we shall, at some future period, make such an establishment; and I will venture to express an opinion, that no time can be more propitious for such an undertaking than the present. It would not be attended with any great expense. It is necessary now to employ an officer of science to keep our maps and charts, to regulate our chronometers, and to preserve all mathematical and philosophical instruments required for the naval service; and buildings are necessary for these purposes. These duties would properly devolve upon the superintendent of an observatory; and the buildings necessary to such an establishment would be amply sufficient for the preservation of our maps, charts, and instruments.

Under the act concerning Naval Pensions and the Navy Pension Fund, eighteen invalid pensions have been granted since my last report, making the number on the roll 305, and the annual amount required to pay them $24,944; and forty-one widows' pensions have been granted, making the number on the roll one hundred and fifty, and the annual amount necessary to pay them $32,594. The annual charge, therefore, according to the present roll, will amount to $57,538. It is not probable that all on the list will claim; but as the death of a pensioner is not officially known, except when the account is settled by his or her representative, the number is made out from the rolls in this Department. Some have not claimed for two, three, four, and five years; but as they are not known to be dead, their names are still continued on the rolls. The receipts and expenditures on account of the fund, to 30th September last, will be seen in the statement marked M, and the amount and description of stocks belonging to the fund, in the statement M, 1.

Under the act of the 19th of June, 1824, respecting pensions chargeable to the Private Pension Fund, since my last report, six widows have received five years' pension each, amounting to $2,400; more than five years having elapsed since the date to which they were last paid. Two invalid pensions have also been granted, making the number on the roll thirty-six, and the annual amount required to pay them $3,184. The account of stock, and of receipts and expenditures will be seen in statement N.

The condition of the Navy Hospital Fund, including receipts and expenditures, will appear in statement O. The annual receipts are much greater than the disbursements; and, as they will probably continue to be greater for several years, I respectfully repeat the suggestion, in my last report, that authority be given to vest the surplus in some well-secured stock, for the benefit of the fund.

Under the act of the 30th of June, 1834, the widows of all officers, seamen, and marines, who have died in the naval service since the first day of January, 1824, or who may die in said service, by reason of disease contracted, or of casualties by drowning or otherwise, or of injuries received while in the line of duty, are entitled to pensions equal to half the amount of the pay to which their husbands respectively were entitled at the time of their deaths. The act of the 3d of March last, "to regulate the pay of the Navy of the United States," and which increased the pay of many officers, is silent as to pensions. A difficulty arises in ascertaining the proper amount of pension to be allowed to widows of naval officers whose pay has been increased by this act. The pay of a Captain in command of a squadron, was increased to four thousand dollars a year; when on other duty, to three thousand five hundred dollars; and when off duty, to two thousand and five hundred dollars. A corresponding increase of pay is made to other officers. In the case of a Captain dying when in command of a squadron on a foreign station, a question arises whether his widow should receive a pension to the amount of six hundred dollars a year, to which she would have been entitled if this act had not passed, or whether she shall receive the half of the amount of pay to which her husband was entitled at the time of his death as a Captain commanding a squadron, as a Captain on other duty, or as a Captain off duty. After much deliberation, it has been decided to allow a pension in such case, of $1,135 62 a year, being the half pay of a Captain commanding a squadron, reduced by the amount $1,728 75, equal to his allowance before this act. The salary of $4,000 a year to a captain in command of a squadron, is in lieu of former pay and emoluments. Those emoluments, excepting one ration a day, amounted to $1,728 75; which sum, deducted from $4,000, leaves $2,271 25, the half of which, $1,135 62, is considered as the proper amount of the widow's annual pension. Questions on pensions, more complicated than this, may arise under this act; especially in the case of the death of surgeons and assistant surgeons, whose grades of pay are more numerous than those of captains.

The necessity of an explanatory act to obviate these difficulties is respectfully suggested.

By the act of Congress of the 10th of July, 1832, it is required that any surplus money belonging to the navy pension fund, shall be vested in the stock of the Bank of the United States. The amount so vested is six hundred and nineteen thousand dollars; and this Department has no authority to make a different investment of this money without the further action of Congress.

Previously to the passing of the act of the 30th of June, 1834, for the better organization of the United States marine corps, double rations had been allowed to the commandant of that corps, and to the officers of the same commanding at the navy yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola; and the senior marine officers in the squadrons in the Mediterranean, the West Indies, the Brazilian coast, and the Pacific ocean; all receiving the sanction of Congress by their appropriations. By this act the officers of the marine corps are to receive the same pay, emoluments, and allowances, as are given to officers of similar grades in the infantry of the army. The act of the 16th of March, 1802, fixing the military peace establishment of the United States, authorizes allowances to the commanding officers of each separate post, of such additional number of rations as the President of the United States shall, from time to time, direct.

These provisions of this last act were continued by an act of the 3d of March, 1815, fixing the military peace establishment.

The paymaster of the marine corps made payments for double rations to officers heretofore receiving the same, from the 1st of July to the 30th of September, 1834. But the accounting officers of the Treasury did not think proper to allow the same, inasmuch as the commands of these officers had never been designated as separate stations, agreeably to the rule prescribed by the army. This is a case of difficulty which, it is respectfully suggested, requires the interposition of Congress.

Being still of the opinion expressed in my last report, that the public interest would be promoted by having the marine barracks placed without the navy yards to which they are attached, as early as may be practicable, estimates are submitted for purchasing sites and erecting barracks at places where they are deemed most necessary.

In performance of my duty under the act of the 3d of March last, authorizing the construction of a dry dock for the naval service, in the harbor of New York, or its adjacent waters, I proceeded in May last to the city of New York, where I was met by an able engineer, Laomi Baldwin, Esq. whom I had previously engaged to make the soundings and other examinations necessary to a proper selection of a suitable site. After a long and laborious examination, Mr. Baldwin made his report, which has been submitted to your consideration; by which it appears that the proposed dry dock may be advantageously constructed in the navy yard at Brooklyn. A selection of this place, for this purpose, is recommended by the consideration that the land occupied as the navy yard belongs to the United States; and that the public buildings upon it, which are of great value, cannot be abandoned without serious loss.

One difficulty presented itself, which created some delay in making this selection. A building for the purpose of distilling turpentine had been erected so near to the navy yard, as greatly to endanger the public property. Other buildings for similar purposes, or for purposes equally dangerous, might be erected near the yard, if not prevented by some act of legislation. I am happy to state that the Common Council of Brooklyn, when the case was laid before them, promptly passed an ordinance, which it is believed will effectually secure the property in the navy yard from the danger of this nuisance, and all similar ones. And it cannot be doubted that the Common Council of Brooklyn will grant all reasonable protection and accommodation to this navy yard; and that the State of New York will protect and promote the interests of the same, by any legislative acts that may be found to be necessary and proper. I shall therefore proceed, under your direction, with as much despatch as present and future appropriations will permit, to cause the dry dock, thus authorized by law, to be constructed in the navy yard at Brooklyn.

Under the act of the 30th June, 1834, "authorising the Secretary of the Navy to make experiments for the safety of the steam engine," and appropriating five thousand dollars for that purpose, many proposed improvements have been submitted for the purpose of being tested by experiments. Some of these were so easily tested by those having steam engines in operation, that the aid of Government was not needed; others were attended with greater difficulty, and could not be tested without the expense of constructing boilers and other machinery for the purpose. These proposed improvements have not been such, as in my opinion, to warrant a large expenditure of money; and no experiments have been made upon them. Such experiments, however, would have been made, if they could have been so made, without the expense of constructing engines.

The act seemed particularly to require that the steam engine devised by Benjamin Phillips, of Philadelphia, should be examined and tested; and that Mr. Phillips should be employed in making the experiments. Mr. Phillips was therefore employed to construct a model engine, with boilers and other machinery which he deemed necessary for the purpose of testing his improvements, which he brought to this District, where he remained several weeks making his experiments before many members of the two Houses of Congress, before the officers of the different Departments, and others.

I attended very carefully to these experiments, but have not been able to perceive in them any improvements, increasing the safety of the steam engine.

The money paid for Mr. Phillips's machinery, preparations, and experiments, amounts to five hundred and nineteen dollars and seventy-five cents; the residue of the appropriation remains unexpended.

The fourth report of Mr. Hasler, superintendent of the coast survey, upon the operations performed in that work between the months of May and December, 1835, together with his detailed estimate of the appropriations required for the same for the next year, are herewith submitted marked T.

Much work appears to have been done on the secondary triangulations, on the topographical operations, and by the sounding parties. That more has not been done in the primary triangulations, is explained in the report.

Of the appropriations heretofore made for this survey, there remained, on the first day of this month, an unexpended balance of eight thousand eight hundred and twenty-three dollars.

The duties of the sounding parties are performed by the officers and seamen of the navy; and the chief part of the expense is charged to the navy appropriations. As, however, there are some expenses which cannot be charged to those appropriations, they must necessarily be charged to the appropriations for the coast survey. In September, 1834, the schooner Jersey, not wanted for any purposes of the navy, was purchased for the sounding party under the command of Lieutenant Gedney. The price of this vessel, $3,350, therefore, could not be charged to the naval appropriations—it was properly charged to the appropriations for the coast survey. For the same reason, the boats, equipments, and other expenses for the schooner, amounting to $1,888 60, were charged to the same appropriation, as was also the charge for extra pay to the officers, amounting to $650 in all, for the year 1834, to $5,888 60.

During the present season, the expense of this schooner, chargeable to the coast survey, has amounted to $1,398, making the whole expense of this schooner, for the years 1834 and 1835, chargeable to the coast survey, amount to $7,287 60.

It is not probable that the expense of this schooner, chargeable to the coast survey appropriation, will, for the next year, exceed $1,500.

The schooner Experiment, employed by the sounding party under Lieut. Blake, belongs to the navy. The coast survey appropriation has, therefore, been charged only for equipments which were not necessary for the purposes of the navy. These, with other expenses attending the operations of the sounding party on board this schooner, from the 1st of July last, when she was sent upon the survey, to the 30th of September last, amounted to $2,517 73.

As most of the equipments of these schooners will last for several years, with but little expense for repairs and supply of articles which may be lost by accident, it is believed that the expense of both schooners and the sounding parties on board of them for the next year, chargeable to the coast survey, will not exceed $4,000.

It will be seen, that this differs widely from the statement of Mr. Hassler, which may be explained by the circumstance, that he did not derive his information from the books of the Treasury Department.

By a statement hereunto annexed, marked P, it appears that of the appropriations heretofore made for the suppression of the slave trade, there remains in the Treasury a balance of thirteen thousand four hundred and eighty-nine dollars and fifty-five cents.

In my last report, I took the liberty of stating that some of the clerks in my department did not receive salaries proportioned to their services, or adequate to the decent support of themselves and families; and I respectfully solicited that the salaries, particularly of the chief clerk of the navy board, the warrant clerk, and the clerk keeping the register of correspondence of this department, whose duties are arduous, requiring both talent and experience, should be increased, so that the first might receive $1,700 per annum, and the others $1,400 each. I repeat the solicitation, from a thorough conviction, that their faithful services fully merit this increase of compensation.

The superintendent of the southwest Executive building receives but $250 per annum for his services, which it is believed is a compensation too small to command the services of one competent to perform the duties of the station.

The serjeants acting as clerks to the commandant and staff officers of the marine corps, are paid at the rate of less than $700 a year for all their services, which it is respectfully suggested is not an adequate compensation.

The necessary references to papers and documents connected with this report, will be found in a schedule hereunto annexed.

All which is respectfully submitted.

MAHLON DICKERSON.

REPORT OF THE POSTMASTER GENERAL.

Post Office Department, *December* 1, 1835.

To the President of the United States:

Sir: During the year ending the 30th June, 1835, the post routes of the United States covered about one hundred and twelve thousand seven hundred and seventy-four miles.

In daily and less frequent trips, the mails were carried on these routes about 25,869,486 miles, viz:

16,874,050 miles in four-horse post-coaches, and two-horse stages,
7,817,973 miles on horses and in sulkies,
906,959 miles in steamboats,
270,504 miles in railroad cars.

The number of post offices on the 30th of June last, was ten thousand seven hundred and seventy, being an increase of fifty-four within the preceding year.

The system upon which the Books of the Department have always been kept, precludes an exact statement of the revenue and expenditure which have accrued within any given period. The following is believed to approximate nearly to the actual income and accruing responsibilities, for the two last fiscal years, viz:

Gross revenue for the year ending 30th of June, 1834 - - -		$2,823,749 34
Compensation to postmasters	$897,317 29	
Incidental expenses -	87,744 27	
Transportion of the mails	1,925,543 52	
Total expenditure - -		$2,910,605 08
Balance against the Department -		$86,858 74

Gross revenue for the year ending 30th of June, 1835 - - -		$2,993,556 66
Compensation to postmasters	$945,417 84	
Incidental expenses -	92,924 92	
Transportation of the mails,	1,719,007 32	
Total expenditure - -		2,757,350 08
Balance in favor of the Department		$236,206 58

In the first part of the year 1835, additional allowances were authorized, as is alleged, amounting on the 1st May last, to about $157,000, which have since been suspended, and do not enter into the foregoing statement. If finally admitted, they will reduce the balance in favor of the Department that year to about $79,000.

The old books will be closed when all the pecuniary transactions of the Department, prior to the 1st of July last, are brought upon them. Statements made out from these books, and other data, show the condition of the Department on that day to have been about as follows, viz:

Due to contractors and others - -	$792,381 92	
Due to banks -	272,000 00	
Whole debt of the Department -		$1,064,381 92
Amount due to the Department -	$1,128,319 29	
Deduct for bad and doubtful debts - -	131,327 36	
Debt esteemed to be good	996,991 93	
Cash on hand -	43,689 40	
Whole available means - -		$1,040,681 33
Balance of debt over available means on 1st of July last - - -		23,700 59
If the suspended allowances be added -		157,000 00
It will make the debt exceed the available means on 1st of July last - -		$180,700 59

The accounts of the Postmasters for the quarter ending 30th September last, have been so far examined as to show satisfactorily, that the increase of gross revenue over that of the corresponding quarter of last year, is about twelve per cent. The annual saving in the recent letting of contracts was about $30,000. Predicated on an average increase of revenue throughout the current fiscal year of *ten* per cent. and on a saving of $25,000 when the contracts recently let shall be executed with necessary alterations, an estimate of the gross revenue and accruing responsibilities for the year ending 30th June, 1836, and indicates the following results, viz:

Gross revenue for the year ending 30th June, 1836, - - - -		$3,292,692 00
Compensation to Postmasters, - -	$1,039,958 00	
Incidental expenses, -	70,000 00	
Transportation of the mails, - -	1,706,507 00	
Total expenditures, - - -		2,816,465 00
Balance in favor of the Department, -		$476,227 00

Although the whole of this sum may not be available, on account of the usual losses and defalcations, it is not doubted, that, aided by collections of outstanding balances, it will be sufficient to pay off the debts of the Department, and leave a considerable amount applicable to an extension of mail accommodations.

When the undersigned took charge of this Department, his attention was immediately called to the condition of its finances; but it was soon found that no satisfactory account of its debts or its means could, within any short period, be obtained from its books. It was only perceived, from current incidents and detached accounts, that the unsatisfied demands of contractors from every quarter of the country, were daily accumulating; that there was a debt of near $300,000 due to banks; that the outstanding acceptances of the Treasurer exceeded $390,000; that a considerable portion of the revenue of some of the large offices, for the present calendar year, had been anticipated by drafts discounted in banks, which they had been instructed to pay at maturity; that additional allowances had been recently authorized to a considerable amount; that to provide the means to meet the demands on the Department at Washington, created by the system of acceptances, upwards of two thousand of the most considerable post offices had been directed to deposite their income in banks; and that these means proving insufficient, the Department was subjected to continual embarrassments in devising ways and means to meet its engagements. At the same time, it was believed on all hands, that the current revenue of the Department considerably exceeded its current expenditure, and that the aggregate of debt was in progress of diminution. In this state of things, it was deemed expedient to make an effort to extricate the Department from its embarrassments. The measures resorted to for that purpose, were as follows, viz:

1. A suspension of all recent allowances from the credit of the contractors.
2. A refusal to accept or pay any drafts drawn on the Department, except by special arrangement.
3. The application of the income of the current quarter to the payment of that quarter's expenses, the surplus only to be applied to the payment of pre-existing claims.
4. The introduction of a system which should effect a more prompt collection and application of the current income of the Department.

The allowances suspended amounted to about $157,000. Without reference to their merits, it was believed that a preference ought to be given to other claims in making payments.

The discontinuance of acceptances was essential to enable the Department to command its means. A revenue arises wherever the mails are carried, and it would seem obviously appropriate, as well as convenient, that the services of contractors should be paid for in the sections of country where they are rendered, and, as far as practicable, out of the income which they produce. But the practice of suffering the contractors to draw for their pay, subjected the Department to the inconvenience of collecting its funds from the post offices throughout the Union, and transferring them to Washington to meet the drafts. The slowness and uncertainty of this operation made it an insufficient reliance to meet its acceptances, produced the necessity of looking elsewhere for the means, and rendered it difficult to manage its finances with any convenience or regularity.

By paying the expenses of the current quarter at its close, and announcing a determination to pay in like manner at the close of each succeeding one, applying only the surplus to the discharge of former debts, it was believed that the credit of the Department would immediately be elevated, and thenceforward sustained.

Orders to deposite in banks, and drafts on postmasters in favor of contractors, constituted the system of collection found in operation. Upwards of two thousand post offices had orders to deposite, and upwards of eight thousand were instructed to retain their postages until drawn upon. Many of the deposite offices were dilatory, and defalcation among them was not uncommon. Many of the other offices were not drawn upon for several quarters, on account of the smallness of their income, or other circumstances. The necessities of the Department compelled it to draw on the more productive offices at the end of each quarter, before their accounts could be adjusted; and its drafts being predicated on estimates, could not be for the exact sum in hand. To avoid the danger of a protest, in consequence of drawing for too much, the Treasurer generally drew for too little, thereby leaving small balances in all the draft offices also. There were, consequently, balances remaining in the hands of more than eight thousand postmasters, which, though generally small, amounted in the aggregate to a large sum.

For the purpose of promptly bringing into action the means of the Department, at the end of each quarter, the undersigned divided the offices into three classes. The first class, called "*Collection Offices*," are upwards of nine thousand in number. The postmasters of this class have been instructed to pay on demand, at the close of each quarter, the whole amount due to the Department on account of the postages of that quarter, to the contractors who carry the mails along their respective routes, and forward their receipts to the Department. The contractors are instructed to forward acknowledgments, setting forth the whole amount received from each and all the postmasters, and to report forthwith every postmaster who fails to pay, and his reasons therefor, if known to them. To secure promptness and fidelity on the part of the contractors, they are permitted to collect only from so many postmasters as may pay them about seventy-five per cent. of their quarterly compensation, and they are informed that the balance will not be paid them until they shall have collected from every office, on their list, or shown, by reporting the delinquent postmasters, that they have used due diligence to do so, and are not in fault for the failure.

The second class, called "*Depositing Offices*," about five hundred and fifty in number, are instructed to deposite their income in banks quarterly, monthly, or weekly, according to its amount. This class embraces all the large offices, and most others which can as conveniently deposite as pay to contractors, together with the most considerable offices on interior routes, which yield a surplus revenue, and whose proceeds cannot be used in paying the contractors who supply them.

The third class, called "*Draft Offices*," about two hundred and fifty in number, embrace those not convenient to banks, whose proceeds cannot be paid over to contractors at the close of the quarter, without danger of their being overpaid, but may generally be drawn for, in whole, or in part, to pay the balances due, after giving the contractors credit for all their collections.

The interest of the contractors induces them promptly, after the quarter ends, to push their collections, and report all delinquents. During the same time, the Depositing Offices are placing their funds in the banks. When the contractor's acknowledgment for moneys collected comes in, his account is examined. If the balance due, or any part of it, can be paid by draft, on one or more of the Draft Offices, it is done; and that which cannot be so discharged, is paid by check on some convenient bank.

The results anticipated from these measures have been fully realized. On the first July last, payments on claims, accruing prior to the preceding quarter, were suspended; and all the energies of the Pay Clerks were devoted to paying the debts of that quarter. These payments were completed on the 19th day of August, leaving a considerable amount of funds in bank. The payment of the old debts was then resumed. From that moment the Department was disembarrassed. In no instance since has the payment of any claim been refused for the want of funds.

On the first of October last, the new system of collection came into action. Encouraged by its favorable operation, and finding the funds of the Department in bank to exceed $140,000, the undersigned, on the 18th of the last month, directed the payment of the bank debts in Baltimore and Boston, amounting to $67,304 38.

The entire debt on the 1st July, as above stated, was - - - -		$1,064,381 92
Of this debt there has been paid out of postages accruing before the 1st of July, about the sum of - -	409,991 34	
Out of postages accruing since the 1st July, the sum of	187,086 14	
		$597,077 48
Old debt remaining unpaid on this day, about - - - - -		$467,304 44

Of this debt, about $205,000 is due to banks, and the balance to contractors and others.

The statements of the amount of debt, and the amount paid out of postages accruing prior to the 1st of July, are not supposed to be exact, but they do not vary materially from the actual amounts.

The result of these operations is:

That the claims of contractors and others against the Department, arising within the quarter ending 30th June last, have been paid, with the exception of a few suspensions;

That the claims arising within the quarter ending 30th September last, have been paid as far as they were ready for adjustment;

That one hundred and eighty-seven thousand and eighty-six dollars of the pre-existing debt, have been paid out of postages accruing since 30th June last;

That the funds in bank on this day, are seventy-three thousand seven hundred and thirty-seven dollars.

The payment of an amount of the old debt so far beyond the available surplus of the last quarter, leaving a large sum on hand, will create no surprise, when it is recollected that, in addition to that surplus, the Department has been able to avail itself of a considerable amount stopped from contractors, on account of overpayments, and a still larger sum arising from the deposites of the weekly and monthly Depositing Offices, on account of the current quarter.

The debt of the Department, except that portion of it which is due to Banks, and the suspended allowances, is now perfectly manageable, and cannot hereafter embarrass its operations. The Bank debt is reduced to about two hundred and five thousand dollars.

The following statement of the quarterly income and expenditure of the Department, for the last two years, which, though not accurate, may be relied upon for all practical purposes, will more fully show the progress of its financial concerns, and its prospect of speedy redemption from debt.

	Gross Revenue.	Expenditure.	Excess of Revenue.	Excess of Expend're.
1833.				
Sept. 30	$655,242 88	$746,098 15		$90,855 27
Dec. 31	720,209 27	747,415 52		27,206 25
1834.				
March 31	729,600 51	699,205 86	$30,394 65	
June 30	718,696 00	717,885 00	811 00	
Sept. 30	725,273 03	703,494 75	21,778 28	
Dec. 31	724,542 34	701,497 08	23,045 26	
1835.				
March 31	763,494 47	689,652 66	82,841 81	
June 30	780,046 82	671,705 59	108,341 23	

As it has already been ascertained from examination of the returns, that the revenue of the last quarter exceeds that of the corresponding quarter of the last year about twelve per cent., it may be safely stated that the surplus of revenue over expenditure for that quarter, will be about $120,000; and that there was, on the 30th September last, a surplus of available means over the whole debt of the Department, amounting to about $100,000. It is confidently expected that this surplus will be increased, at the end of the current quarter, to about $220,000; and, at the end of the next quarter, to about $340,000. The old debts due to contractors and others, are now paid as fast as they are presented and can be adjusted; and the accumulation of funds, notwithstanding these payments, is so considerable as to justify a belief that $100,000 of the remaining bank debt may be paid in January next, and the balance in April.

The undersigned takes pleasure in presenting you with the data which justify this anticipation. He is happy to say, that so far from needing any pecuniary aid from the Treasury, the Department may be presented to Congress, before the termination of their approaching session, substantially free from debt, with a clear annual surplus exceeding $400,000, applicable to the establishment of new mail routes, and the improvement of old ones. Even should the suspended allowances be finally paid, the anticipated result cannot be delayed beyond the month of July, 1836.

A balance of the books of this department has not been effected for about twenty years. After a full consideration of the subject it was deemed expedient to close them, and open a new set from the 1st of July, 1835. The balances of accounts are not carried forward from the old books to the new, but all collections made of moneys due before that day, are credited to an account headed "*Arrearages,*" on the new books; and all payments made on debts contracted prior to that day, are charged to the same account. That account, when closed, will show the exact amount of debt and of available means at the commencement of the present fiscal year; facts which cannot be sooner ascertained with exactitude.

In keeping the new books, an attempt is making, through the agency of General Accounts, to show specifically from what sources the revenue of the Department is derived, and to what purposes it is applied. The accruing revenue is credited to General Accounts, headed "*Letter Postages,*" "*Newspapers and Pamphlets,*" and "*Fines.*" The expenditures are charged to General Accounts, headed, "*Compensation of Postmasters,*" "*Transportation of the Mails,*" "*Ship, Steamboat, and Way Letters,*" "*Wrapping Paper,*" "*Office Furniture,*" "*Advertising,*" "*Mail Bags,*" "*Blanks,*" "*Mail Locks and Keys, and Stamps,*" "*Mail Depredations and Special Agents,*" "*Clerks, &c. for Offices,*" and "*Miscellaneous.*" When the entire business of a quarter is brought upon the books, the credit General Accounts will be balanced by transfer to the credit of a general account, headed "*Post Office Department,*" which will thus exhibit, at a glance, the entire income of the Post Office Department for the quarter, and the sources whence it is derived. In like manner, the debit General Accounts will be closed by transfer to debit of "Post Office Department," which will thus show, on a single page, the whole expenditures of the quarter, with the objects of expenditure. The balance of this account, thus made up, will exhibit the condition of the Department at the end of each quarter.

It has long appeared to the undersigned, that, by a system of this kind, the application of the public moneys may be shown more specifically than by any other system of specific appropriation.

The efficiency of a department with so many thousand agents in its employment, essentially depends on the vigilance and energy of the directing and supervising power. Impressed with this conviction, it is the policy and the effort of the Department to make the supervision so complete, that every individual in its service shall feel that he acts directly under the eye of some of its officers or clerks.

To secure promptitude in the rendition of accounts, the postmasters, with the exception of a few at the large offices, have been required to forward their accounts within two days, or by the first mail, after the close of each quarter. As a means of enforcing this requisition, the post offices are divided into four classes, in reference to their distance from Washington, and other circumstances. For the arrival of the accounts of the first class, ten days are allowed; for the second, twenty; for the third, thirty; and for the fourth, forty. It is made the special duty of a clerk to note the day on which each quarterly return arrives, and promptly call all delinquents to account, when the allotted time shall have expired. This plan of supervision was put in operation at the commencement of the present quarter.

To produce an ever-active supervision over contractors, it is made the duty of postmasters at the ends of all post-routes, to keep, and return to the Department, weekly or monthly, according to the importance of the route, registers, showing the exact time of arrival and departure of every mail, with such remarks as the occasion may require. It is made the duty of a clerk, in each division, to see that the postmasters keep and return these registers, to examine them when returned, and note all delinquencies of contractors. This plan is not yet in full operation.

It is intended to apply the same principle of strict supervision to the return of receipts by Postmasters; to the making of deposites by the depositing offices, and the forwarding of certificates of deposite; to the printing and furnishing of blanks; and, as far as practicable, to all services required by law, and the regulations of the Department.

Sufficient attention has been given by the undersigned to the manner in which newspapers and other printed matter are conveyed by mail, to satisfy him that it is radically defective. No supervision or power of punishment, exercised or possessed by the Postmaster General, is adequate to prevent, on some occasions, the canvass bags in which printed papers are stowed, from being left behind, so long as they are carried separately from the letter mails, or on the outside of coaches and stages. To prevent the evil in some degree, it has been provided in the contracts lately awarded on the main routes to the West, that, on the outward trip, no passengers shall be carried in the inside of the mail coach, but that it shall be devoted exclusively to the mails; and, on similar routes along the seabord, the same restriction will be applied in both directions. It is believed that the enforcement of the contracts in this respect, will ensure the safe conveyance of the newspapers as far as they travel on these routes.

A further improvement in this respect is anticipated from arrangements now in progress, to run steamboat mails on the western rivers, during the season of steamboat navigation, and on a portion of the Mississippi, during the whole year.

It is well known that an immense correspondence is carried on during the business season, in steamboats, upon these waters. So long as the Department has no mails upon the rivers, it is difficult, if not impracticable, to enforce the Post Office laws, and bring the letters so transmitted into the post offices. Regular lines of boats are now formed and forming on the Ohio and Mississippi rivers. A contract has been made with the owners of one of these lines to carry a mail three times a week between Pittsburg and Cincinnati, during the season of navigation, for $1,800 a year. A proposition has been received and accepted to convey a mail, except when prevented by ice, on the Ohio and Mississippi rivers, between Louisville and St. Louis, three times a week, and between Louisville and New Orleans three times a week during the business season, and twice a week during the rest of the year, touching at all the considerable intermediate points, for $30,000 a year for the whole service. It is in contemplation to put this mail into operation early in the coming year. From giving regular river mails to the business of the West, it is expected that they will convey almost the entire correspondence upon those waters, and increase the revenues of the Department in a sum at least equal to their cost. This facility being furnished to the community, the Post Office laws can, with more propriety, be enforced in relation to letters conveyed in other boats. Nor is it one of the least advantages anticipated from these mails, that they will relieve the land mails, in the West and Southwest, of an immense mass of mail matter, and render its conveyance the more safe, at the seasons when the roads are most difficult, and in the Mississippi country during the whole year.

The multiplication of railroads will form a new era in the mail establishment. They must soon become the means by which the mails will be transported on most of the great lines of intercommunication; and the undersigned has devoted some attention to the devising of a system which shall render the change most useful to the country.

The cities and large towns on the great lines constitute centres, from which the mails diverge to pervade and supply the surrounding country. At these points, generally, are the distributing post offices. The great whole will evidently be most speedily and effectually served, by causing the mails to pass with all possible expedition, by night and by day, along the main lines, through these numerous centres, stopping for no local object, and pausing at the distributing offices only long enough to exchange mails. The distribution through the country around must be made after the great mail has passed on, by means of coaches, stages, or other vehicles, and horses, as the interest of the Department and the country may mutually require. Or, if any immediate offices be supplied by the railroads, it should be those only where the cars stop, unless a mode of exchanging mail-bags, without stopping, can be introduced for the accommodation of others.

The means of transportation between Washington and Boston, are now so complete, that this system might be advantageously introduced, at least during the season of steamboat navigation. The time occupied in passing from Washington to Baltimore, by the railroad, is but two and a half hours. To pass from Baltimore to Philadelphia, by steamboats and the Newcastle and Frenchtown railroad, requires about nine hours. From Philadelphia to New York, by the Camden and Amboy railroad and steamboats, occupies about eight hours; from New York to Providence, about fifteen hours; and from Providence to Boston two and a half hours. The travelling hours from Washington to Boston, are about thirty-seven. Allowing half an hour at Baltimore, Philadelphia, New York, and Providence, each, for exchange of mails, the time occupied in transmitting a mail from Washington to Boston would be thirty-nine hours.

This is the speed of present conveyances. In the course of the next year, it is expected that Baltimore and Philadelphia will be connected by railroad, when the time occupied in passing from city to city will not exceed six hours. New York will soon be connected with Boston by similar roads, when the time occupied between them will not exceed fifteen hours. So that, when a railroad line from Washington to Boston shall be completed, a mail may pass from one to the other in thirty-four hours at most, and probably in a few years, from the progressive improvements of locomotives, in less than thirty hours.

Within the quarter of the Union embraced in the recent letting of contracts, there are several railroads; some of them made no offers, and the rest demanded prices far beyond the usual cost of transporting the mails on the same routes heretofore, and beyond what was asked by individual citizens. Anxious to give the mails the greatest possible expedition between Washington and New York, the undersigned made an effort to bring the companies, in whose hands are the means of conveyance on that great line, to act in concert with each other, and with the Department, by which means two daily mails might be run through that line, performing the trip each way, and conveying passengers from city to city in about twenty-three hours. The effort failed, in consequence of the very heavy compensation asked by them.

Not despairing of being able to induce the companies to take a more enlarged view of their own and the public interest, and to abate materially in the amount of their demands, the undersigned sent his Chief Clerk to confer with the managers of all the railroads on the line, whether finished or not, with a view to ascertain whether any reasonable arrangements could be made with them, present or prospective, for the conveyance of this important mail. Although the agent performed the service with distinguished zeal and ability, his efforts were almost wholly fruitless.

The company owning the railroad between Washington and Baltimore, demanded $10,000, or about $250 per mile, merely to haul one daily mail from depot to depot, without other responsibility, and $14,000 for two daily mails.

The companies owning the several railroads now constructing from Baltimore to Philadelphia, demanded 30,000 dollars, or upwards of $320 per mile, to haul one daily mail from city to city.

The company owning the Camden and Amboy road demanded $26,000, or near $300 per mile, for one daily mail, and $3,000 for a second.

The companies composing the upper line through New Jersey, demanded $23,000, or about $250 per mile, for the conveyance of one daily mail, and $8,000 for a second.

Aware that the Committee on the Post Office and Post Roads of the House of Representatives had had the subject of the transportation of the mails on railroads under consideration at the last session, and had unanimously proposed to restrict the Department to seventy-five dollars per mile for the service; and, moreover, considering the sums demanded disproportionate to the service, and wholly unreasonable, the undersigned determined not to accept any of the propositions. To leave no means unessayed, however, to form a satisfactory arrangement, he offered a contract for merely hauling a box containing the mail, from depot to depot, daily, to the Baltimore and Washington Railroad Company, at $100 per mile, which they promptly declined.

The undersigned does not intend to pay the prices demanded by these companies, unless directed to do so by those who have a right to control him. He will sooner put post-coaches or mail-wagons on the old roads, and run them there until public opinion, or the voice of superior authority, induces the associations, which have been permitted to monopolize the means of speedy conveyance on these routes, to abate in their terms. To enable you to present the whole subject to the legislative body, a copy of the instructions to the agent, and his correspondence with the companies, and the subsequent correspondence of the Department with them, is herewith submitted.

The undersigned is happy to state, that indications of a spirit more in accordance with the great object of public accommodation, which has induced the Legislatures of the States to sanction the construction of these improvements by private companies, have manifested themselves in other quarters. The Boston and Providence Railroad Company have intimated a willingness to carry two daily mails between those cities, embracing the New York steamboat mail, for $2000 a year, being at the rate of about $25 per mile for a single mail, and a contract has been authorized.

The New Jersey Railroad Company, whose road when completed will extend from Jersey City to New Brunswick, have offered to carry the great mail from New York along their road, one year, at $100 per mile, or four years at $150, and to carry two mails for $200.

The company owning the Portsmouth and Roanoke road have contracted to carry the mail three times a week, from Norfolk to Halifax, N. C., a distance of ninety miles, for the compensation paid the former contractor, which is equal to about $26 per mile, the mail to be conveyed on their Railroad as far as completed.

The Tuscumbia, Courtland, and Decatur Railroad Company have offered to carry the mail three times a week, on their road, at the lowest rate of post-coach transportation in the Southern States, which amounts to about $26 per mile.

It is conceded that the mails carried on all these roads, except the New Jersey road, are much less than the great mail between Washington and New York; but they probably bear a greater proportion to that mail than the compensation asked for the former service, does to that offered by the Department for the latter.

Referring to the instructions given to his Agent for his further views in relation to the Railroad Companies, the undersigned submits the question to your disposition, and will await the instructions of Congress as to the course hereafter to be pursued with these Companies, and other monopolies of like character, in contracting with which the Department is unable to avail itself of the spirit of moderation superinduced by an active competition. Indeed, the Post Office law, so far as it relates to the advertising and making of contracts, is predicated upon the expectation that there would be a general competition for them, and does not provide for cases where the Department has to deal with monopolies, no such state of things having then been anticipated.

A new question has arisen in the administration of this Department. A number of individuals have established an association in the Northern and Eastern States, and raised a large sum of money, for the purpose of effecting the immediate abolition of Slavery in the Southern States. One of the means resorted to has been the printing a large mass of newspapers, pamphlets, tracts, and almanacs, containing exaggerated, and, in some instances, false accounts, of the treatment of slaves, illustrated with cuts calculated to operate on the passions of the colored men, and produce discontent, assassination, and servile war. These they attempted to disseminate throughout the slave-holding States, by the agency of the public mails.

As soon as it was ascertained that the mails contained these productions, great excitement arose, particularly in Charleston, S. C., and, to ensure the safety of the mail in its progress southward, the postmaster at that place agreed to retain them in his office until he could obtain instructions from the Postmaster General. In reply to his appeal he was informed that it was a subject upon which the Postmaster General had no legal authority to instruct him. The question again came up from the Postmaster at New York, who had refused to send the papers by the steamboat mail to Charleston, S. C. He was also answered that the Postmaster General possessed no legal authority to give instructions on the subject; but as the undersigned had no doubt that the circumstances of the case justified the detention of the papers, he did not hesitate to say so. Important principles are involved in this question, and it merits the grave consideration of all departments of the Government.

It is universally conceded that our States are united only for certain purposes. There are interests, in relation to which they are believed to be as independent of each other as they were before the Constitution was formed. The interest which the people of some of the States have in slaves, is one of them. No State obtained by the Union any right whatsoever over slavery in any other State, nor did any State lose any of its power over it, within its own borders. On this subject, therefore, if this view be correct, the States are still independent, and may fence round and protect their interest in slaves, by such laws and regulations as in their sovereign will they may deem expedient.

Nor have the people of one State any more right to interfere with this subject in another State, than they have to interfere with the internal regulations, rights of property, or domestic police, of a foreign nation. If they were to combine and send papers among the laboring population of another nation, calculated to produce discontent and rebellion, their conduct would be good ground of complaint on the part of that nation; and, in case it were not repressed by the United States, might be, if pesreveringly persisted in, just cause of war. The mutual obligations of our several States to suppress attacks by their citizens on each others' reserved rights and interests, would seem to be greater, because, by entering into the Union, they have lost the right of redress which belongs to nations wholly independent. Whatever claim may be set up or maintained, to a right of free discussion within their own borders, of the institutions and laws of other communities, over which they have no rightful control, few will maintain that they have a right, unless it be obtained by compact or treaty, to carry on such discussions within those communities, either orally, or by the distribution of printed papers, particularly if it be in violation of their peculiar laws, and at the hazard of their peace and existence. The constitution of the United States provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States;" but this clause cannot confer on the citizens of one State higher privileges and immunities in another, than the citizens of the latter themselves possess. It is not easy, therefore, to perceive how the citizens of the Northern States can possess, or claim, the privilege of carrying on discussions within the Southern States, by the distribution of printed papers, which the citizens of the latter are forbidden to circulate by their own laws.

Neither does it appear that the United States acquired, by the constitution, any power whatsoever over this subject, except a right to prohibit the importation of slaves after a certain date. On the contrary, that instrument contains evidences, that one object of the Southern States, in adopting it, was to secure to themselves a more perfect control over this interest, and cause it to be respected by the sister States. In the exercise of their reserved rights and for the purpose of protecting this interest, and ensuring the safety of their people, some of the States have passed laws prohibiting, under heavy penalties, the printing or circulation of papers like those in question, within their respective territories. It has never been alleged that these laws are incompatible with the constitution and laws of the United States. Nor does it seem possible that they can be so, because they relate to a subject over which the United States cannot rightfully assume any control under that constitution, either by law, or otherwise. If these principles be sound, it will follow that the State laws on this subject are within the scope of their jurisdiction, the supreme laws of the land, obligatory alike on all persons, whether private citizens, officers of the State, or functionaries of the General Government.

The Constitution makes it the duty of the United States "to protect each of the States against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence." There is no quarter whence domestic violence is so much to be apprehended, in some of the States, as from the servile population, operated upon by mistaken or designing men. It is to obviate danger from this quarter that many of the State laws in relation to the circulation of incendiary papers, have been enacted. Without claiming for the General Government the power to pass laws prohibiting discussions of any sort, as a means of protecting States from domestic violence, it may safely be assumed, that the United States have no right, through their officers or departments, knowingly to be instrumental in producing, within the several States, the very mischief which the Constitution commands them to repress. It would be an extraordinary construction of the powers of the General Government, to maintain that they are bound to afford the agency of their mails and post offices, to counteract the laws of the States, in the circulation of papers calculated to produce domestic violence; when it would, at the same time, be one of their most important constitutional duties to protect the States against the natural, if not necessary, consequences produced by that very agency.

The position assumed by this Department is believed to have produced the effect of withholding its agency, generally, in giving circulation to the obnoxious papers in the Southern States. Whether it be necessary more effectually to prevent, by legislative enactments, the use of the mails, as a means of evading or violating the constitutional laws of the States in reference to this portion of their reserved rights, is a question which, it appears to the undersigned, may be submitted to Congress, upon a statement of the facts, and their own knowledge of the public necessities.

The experience of the undersigned has confirmed his prior impressions, that the Post Office Department requires re-organization. The arrangement of the administrative branch of the Department is not particularly objectionable; but the organization of its financial branch is neither convenient nor safe, and it may be doubted whether it be constitutional.

It is not convenient, because it imposes on the Postmaster General, whose administrative duties are sufficient for any one man, the responsibility of settling near fifty thousand accounts annually, and disbursing upwards of two millions of dollars.

It is not safe, because the entire nett revenue of the Department, which now exceeds $2,000,000 annually, is by law put at the disposition of the Postmaster General, subject to be paid over to his check, draft, or order, without other safeguards than those he chooses to impose on himself.

It is of doubtful constitutionality, because the constitution requires that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law;" thereby pre-supposing that the revenues of the Government are first paid into the Treasury, whereas, no part of the tax collected from the people in postages, amounting now to more than $3,000,000 annually, ever appears upon the Treasury books; and it is all expended without appropriation. If so large a revenue may be properly raised and expended, without going into the Treasury, by one department of the Government, it is not perceived why the other departments may not be authorized to sustain themselves in a similar way; thus evading entirely the constitutional provision. The more safe construction would seem to be, that all moneys collected by the Government, whatever may be the mode, shall, in the legal acceptation of the phrase, be paid into the Treasury, to be expended in conformity with appropriations made by Congress.

There would be nothing impracticable or seriously inconvenient, in the application of this principle to the revenues of the Post Office Department. To effect this object, it is not necessary that the moneys be collected and deposited in banks, or any other designated place, or that the existing system of collection should be deranged. Almost a third of the gross revenue is absorbed in commissions to Postmasters, and the expenses of their offices. Upon settlement of the Postmasters' accounts, the sums thus expended may be carried to the debit and credit of the post office appropriation at the same time. The amounts received by contractors from postmasters, may be disposed of in a similar way. The result would be, that although the treasurer would have open accounts only with the Deposite Banks of the Post Office, his books would exhibit the whole amount received from the people, and expended by the Government, on account of the mail establishment.

There is another feature, in which the present organization of the Post Office Department is defective and unsafe. It is believed to be a sound principle, that public officers who have an agency in originating accounts, should have none in their settlement. The War and Navy Departments are in general organized upon this principle. In the orders, contracts, and regulations of the heads of those departments, or their ministerial subordinates, issued and made in conformity with law, accounts originate. The moneys are generally paid by another set of agents, but partially dependent on the heads of the departments; and the accounts are finally settled by a third set, who are wholly independent of them. If, from any cause, an illegal expenditure be directed by the head of a department, it is the duty of the disbursing agent not to pay the money; and if he does pay it, it is the duty of the Auditors and Comptrollers to reject the item in the settlement of his account. But the Postmaster General practically unites these three functions in his own person. He issues orders and makes contracts and regulations, producing the expenditure of money; settles the accounts and pays the money. Although he is required to render a quarterly account to the Treasury, to be settled as other public accounts are, this requisition has long ceased to constitute any practical check upon him, nor can it ever be otherwise under the existing system.

Herewith is submitted a printed pamphlet, exhibiting the interior organization of the Post Office Department, as it now exists. The most important improvement required, is to separate the settlement of accounts entirely from the Post Office Department, and vest it in an Auditor, appointed by the President, with the advice and consent of the Senate, whose duties shall in general correspond with those assigned to the Accountant under the present organization.

The Postmaster General would then be placed on a similar footing with the other heads of Departments. His power over the funds of the Department should extend only to a superintendence over the rendition of accounts, to prescribing the manner in which postmasters shall pay over their balances, to making drafts for the collection and transfer of post office funds, to issuing warrants on the Treasury for the purpose of paying balances reported to be due by the Auditor, and making advances in special cases. The remaining portion of his duties would be those of a ministerial character, now performed upon his responsibility, modified by salutary restriction upon his discretion.

To enable him to exercise an effectual supervision over postmasters and contractors, a third assistant should be given to the Department. These services have almost doubled since a second assistant was added, and have been recently extended, making them too onerous to be performed by two assistants, however distinguished for their industry and devotion to the service. Moreover, these duties are constantly increasing, and will be greatly enlarged by the extension of mail service which is anticipated within the coming year. If the United States were, for this purpose, divided into three divisions, and an assistant assigned to each, the stations would still be among the most laborious and responsible in the Government.

Three Assistants, on the footing of auditors as to salaries, with eight clerks each; a chief clerk on the footing of chief clerks in the other Departments; twelve clerks for other miscellaneous duties, including the dead-letter service; an agent to superintend the Post Office building and property, and attend to purchases of stationary, furniture, &c.; a messenger, an assistant messenger, a laborer, and two watchmen; would constitute a force with which the ministerial duties of the Department could be performed with comfort, promptitude, and efficiency.

The Auditor's office would be the most extensive and laborious accounting office in the Government, meriting corresponding provision in clerks and salaries. Like other auditors, he should have a chief clerk for general duties. The examination of postmasters' accounts, amounting to about 42,000 annually, sending out errors, and other attendant services, constitute a severe duty, and requires 18 clerks. The registration of postmasters' accounts, after examination, and keeping the legers of the Department, requires eight clerks. To keep the pay books, see that postmasters pay over their balances and return the receipts, and prepare contractors' accounts for settlement, requires nine clerks. To collect balances from former postmasters and others, make out statements of the accounts, and superintend suits and prosecutions, requires at present seven clerks. Over each of these considerable branches of duty there must be, as at present, a principal clerk, for whom liberal provision should be made. It is but just to the gentlemen employed in this arduous portion of the public service, to say, that their compensation, in general, compared with that given in other Departments of the Government, has hitherto been disproportioned to the labor required of them, and, as to married men, inadequate to the support of their families, and the education of their children. To complete the organization of that office, there must also be a messenger and one assistant messenger.

The proposed re-organization would somewhat reduce the number of persons employed in the business of the Post Office, by rendering useless the clerks now occupied in making out the Postmaster General's accounts for the Treasury, as also the clerks employed in examining them in the Fifth Auditor's office, if not also those in the Comptroller's office, assigned to the same duty.

The utility of requiring all the Post Office accounts to be reported to the Comptroller, is not perceived. It would perhaps promote the ends of justice and operate as a salutary check upon the Auditor, if an appeal were allowed to the Comptroller, at the instance of the claimant or Postmaster General, should either, in any case, be dissatisfied with his decision.

If the business of the Post Office Department were thus organized, it might be required of the Postmaster General to furnish to Congress, annually, specific estimates, setting forth the sums expected to be required under each head of general account now appearing on the books, and any others that Congress might require to be opened; and after obtaining an appropriation of the aggregate for the support of the Post Office Establishment, not to exceed the current revenue, to render an account at the next session of the amount expended for each purpose specified in his estimates. It would be a further improvement if all allowances were prohibited, other than for services rendered in pursuance of some pre-existing law, contract, or lawful regulation, and a small contingent appropriation were assigned to the Postmaster General, like those made to the service of the other

Departments to meet necessary expenditures, which cannot be foreseen or provided for by contract or regulation.

Essential improvement might be made, as is believed, in some portions of the law regulating the details of duty assigned to the Postmaster General, particularly as to the making of contracts. Additional precautions are necessary against irresponsible bidding, and to prevent combinations injurious to the Department. If bidders were required, in all cases, to furnish the names of responsible securities with their bids, who should be bound from the date of acceptance, it would prevent the bids of worthless men and mere speculators, which now produce great inconvenience to the Department, and sometimes serious loss. And if, on the other hand, combinations to prevent competition were punishable by perpetual exclusion from the service of the Department it would, it is believed, have an excellent effect on its interests, as well as on the character of its contractors.

It is worthy of consideration whether it would not be expedient to change the rates of letter postage, making them conform to the national currency, in gradations of 5, 10, 15, 20, 25, and 30 cents. Such a provision would save almost half the labor now required in the examination of accounts in the Department, and prevent numberless errors. It would also much simplify the system, if the number of miles to which these rates should apply, were doubled at each increase of rate from the lowest to the highest.

There have been so many changes in mail routes since their original establishment, that it is now difficult, if not impracticable, to trace them from their origin in the law, through all mutations, down to their present condition. It would contribute greatly to the convenience of the Department if they were all re-established in one act, with such alterations and additions, as the accommodation of the public may require, and the interest of the Department admit. A portion of the surplus revenue will be required to make improvements on existing routes; but, it is believed, the Department can, without inconvenience, put into operation new routes, not exceeding in cost $300,000 a year, as soon as they can be established, and the necessary arrangements made.

The aid of legislation is required to close, equitably, some of the old claims against the Department. Various demands exist for services rendered by authority of the Department, in a measure sanctioned by usage, which, though to some extent just, cannot, in the opinion of the undersigned, be adjusted and paid without the sanction of Congress. It is hoped that power may be vested in the Auditor, if one be created, with the sanction of the Comptroller, to settle these claims upon principles of justice and equity; or, if this course be not deemed expedient, that Congress will provide some other means for their speedy adjustment.

The undersigned cannot close this communication, without paying an humble tribute to the worth of a patriot and friend—the late Postmaster General. It may be said of him, as the Head of this Department, that the reason he had not a better fortune was, that he was too good a man. In other positions, and under other circumstances, he would have been one of the greatest and most useful, as he was one of the best, and most highly endowed, of our public men. Having for more than twenty years been acquainted with Mr. Barry, and been honored with his friendship; knowing his private worth, his love of country, and his disinterestedness; and having always had an abiding confidence in his integrity and honor, it would be to the undersigned a source of lasting regret, if any thing said or done by him, in the administration of this Department, should be understood as intended or calculated to depreciate his virtues, or cast a stain upon his memory.

I have the honor to be, your obedient servant,

AMOS KENDALL.

Postmaster General's instructions to the Agent to negotiate with the Railroad Companies.

Post Office Department, Oct. 31, 1835.

Sir: It is important for the business of the country, and essential to the interests of the Post Office Department, that the public mails should be transported by the most speedy means of conveyance which modern improvements afford. To give them the utmost practicable degree of usefulness, they should travel in all the main routes by night and by day, stopping only at the most important offices, and there only long enough to be exchanged, leaving it to the ordinary mails to supply other offices on the main, as well as the diverging and less important routes.

By liberal arrangements with the Railroad Companies, these objects may, within a short period, be accomplished on the great line running from Washington through Baltimore and Philadelphia to New York, and probably to Boston.

That the Railroad Companies have an interest in carrying travellers through with all possible expedition, is abundantly evident to every man who has witnessed the increase of travel within the last few years, and contemplated its causes:

No people appreciate more highly economy in time than the people of the United States.

In general, when they start on a journey, they hurry to its end in the shortest possible time, without regard to the dangers and discomforts which may await them in travelling. By existing arrangements between Washington and the North, travellers are obliged to stop in the large cities, where their tavern bills bear a large proportion to the entire expense of transportation. If they had the means of passing onward and saving these heavy bills, as well as the time lost while incurring them, multitudes would travel who now are not able to afford it, and the receipts of the Railroad Companies would probably be doubled.

The time now occupied in travelling from Washington to Baltimore is about two hours and a half. We are informed that by the 1st of November, 1836, a railroad will be completed from Philadelphia to Baltimore, upon which the mails may run through in five hours. Allowing one hour for change of mails, &c. in Baltimore, and the mail may then go through to Philadelphia from Washington in less than nine hours. When the continuous railroad communication through New Jersey shall be completed, it may run through to New York in six hours, which, allowing an hour's delay in Philadelphia, will give a mail from Washington to New York in eighteen hours. If the means of conveyance through New Jersey shall remain as at present, it may be carried through in nineteen, or at most twenty hours. Through Long Island Sound, from New York to Providence, it may now be carried with much regularity in sixteen hours, and two hours and a half more will bring it to Boston by the Boston and Providence railroad. Allowing one hour's delay in New York, and half an hour in Providence, and we have a mail carried from Washington to Boston, a distance of five hundred and thirty-six miles, in about forty hours.

By a liberal arrangement with the several companies in possession of the means of communication upon that line, this object might now be accomplished in forty-two hours; and as soon as we have an uninterrupted chain of railroad between the principal cities, the time may be greatly reduced.

It is unquestionably the interest of the Department to prefer contracting with those companies which can furnish uninterrupted railroad land transportation; for in that case the inconvenience, irregularity, and expense of shifting from one line to another, upon the change of weather and seasons, would be avoided. You are, therefore, requested to wait upon the president and other managers of the Baltimore and Ohio Railroad Company, and apprize them of the earnest desire of the Department to make an arrangement with them for the transportation of the principal mail between Washington and Baltimore, on terms which shall be satisfactory to all parties, and promise to be permanent. You will press upon them the idea, which is undoubtedly justified by all reasoning and experience, that their own interest is deeply involved in giving to the mails, and to travellers, the promptest possible conveyance between the two cities, and promise them that the stage lines run by contractors of the Department, and terminating in the two cities, shall be made to connect with their lines of cars at the most convenient hours of departure.

The specific propositions to be made by you, must be left very much to your discretion. The following suggestions, however, may be found useful:

If the railroad company will agree to run a train of cars at such hours as may accommodate and expedite the mail, it is the desire of the Department to impose as little responsibility upon them as possible. If they will enclose, in a strong and substantial manner, a portion of their baggage car, or some other car, to be devoted exclusively to the mails, the Department will cause them to be placed in it at one depot, and taken out at the other, without requiring anything from the company in the way of service or responsibility, but to haul it from the one to the other. In that event, it would be proposed that a strong lock should be placed on the apartment, to which only the postmasters at Washington and Baltimore should have keys, so that the mail should not be accessible to any one between the two depots.

Or, the Department will furnish a strong fire-proof box or chest, so constructed that it may be readily transferred from a wagon to a car prepared for the purpose, into which the entire mails shall be put and locked up at one post office, not to be molested or opened between the two cities, which shall be delivered and received at the depots on the road, without any service or responsibility on the part of the company, beyond the transportation from one depot to the other. Or, if wheels can be constructed which can be used alike upon the railroad and the streets of the cities respectively, then the Department will furnish an entire car, containing the mails to be delivered at one depot and received at the other, asking nothing of the company but to haul it from the one to the other.

You will ascertain for what additional charge they will undertake themselves to transport this box or car between the post offices and their depots—pressing this arrangement as the one which would be most acceptable to the Department.

You will earnestly press upon them the immense importance to the entire business of the country, of having the mails on the main routes of which their road constitutes a part, travel by night as well as by day, as already suggested; and if they cannot be induced, without a compensation which the Department cannot afford to pay, to run a night line, then you are instructed to solicit from them for the Department, the privilege of putting on the road a locomotive, for the sole purpose of carrying the mail with a suitable guard. It is believed that the importance of the object will induce the public-spirited men who manage this concern, to permit the Government, for a suitable consideration, to use their road for a purpose so useful to their fellow-citizens, at hours when they may not think proper to use it themselves.

It is not deemed necessary to press upon them any supposed rights which the Government may have to use railroads owned by private companies for public purposes, allowing such compensation as may be fixed, in a way to be pointed out by Congress. Yet it may be useful to call their attention to that point. The constitution confers on Congress the power "to establish post offices and post roads." So far as it respects roads, this delegation of power has been construed to mean that Congress may designate the roads on which the mails shall be carried. To this construction, the practice of the Government has hitherto conformed. Congress have designated the roads on which mails shall be carried, embracing State roads, county roads, township roads, streets of cities, and turnpike roads belonging to private companies. Penalties are prescribed by law for obstructing the mails upon these roads; and a preference is given to the horses and vehicles by which they are conveyed.

None of those horses or vehicles can be stopped, not even by the law process of the States for the debts of their owners, while actually employed in the conveyance of the mails.

These laws are based upon the unquestionably sound principle that, when a power is clearly delegated by the constitution to the General Government, it is not within the constitutional rights of any State, or company, or individual, to prevent or obstruct its execution.

Railroads differ from turnpikes owned by private companies only in the fact that in the former case the companies own the means of conveyance as well as the road. But if established under the authority of Congress as post roads, is it possible for those companies to prevent the carrying of the mail upon them? If they attempt to do so, either directly or by running their cars at inconvenient hours, or by asking an unreasonable price, may not the Department fulfil the law and accomplish its object by placing locomotives upon the road for the purpose of conveying the mail, to which every thing else must give place? If it be not so, and if these Railroad Companies may refuse to carry the mails at the hours required in the execution of the laws, or may, by any means, direct or indirect, prevent their transportation, then may they obstruct if not defeat one of the powers unquestionably delegated to Congress. For it must be apparent to the most casual observer that, if the mails are driven from the railroads and obliged to depend on stage or horse transportation on the main routes, they will soon cease to be of any considerable value, and this important and useful branch of the Government will sink into contempt.

You are not desired to assume the position indicated by this argument; but you may find it useful to present it for consideration with all the grounds which occur to you in its support, taking care to assure the Company that the Department is anxiously desirous to avoid all such questions now and forever, by a permanent arrangement for the transportation of the mails which shall not be liable to any just exceptions, either on the part of the Government or the Company. In discussing the amount which ought to be allowed for the transportation of the mail, you will not forget to avail yourself of the fact that the great object of chartering the railroad by the State was to cheapen transportation of every kind, and that nothing has higher claims to that advantage than the mails of the United States, in which are involved the interest of millions. You will know how to amplify this argument, and all others which have been suggested. Nor will you forget to press the fact that, at the last session of Congress, the Committee on the Post Office and Post Roads in the House of Representatives, by a unanimous vote, inserted a clause in the bill for reorganizing the Post Office establishment, restricting the Department to $75 per mile for railroad transportation of the mails, and represent that we cannot venture to exceed that limit to any great extent. You are requested to use the utmost frankness in your communications and discussions with the company; to make them sensible that the Department desires nothing which is unreasonable; that it seeks only that which will promote the interest of the public and enhance the prosperity of our common country; and that, in seeking after these results, it is ready to contribute liberally, but not extravagantly, to the profit of a company which has done so much in facilitating the means of intercourse and trade between our associated communities.

You will by no means consider yourself as restricted to the propositions or arguments herein suggested; but you will propose any other arrangement which intercourse with the company may suggest to you, subject to the ratification of the Department; and you will use such arguments as may occur, consistent with reason and truth, to effect the object of your mission. Having completed your business with the Baltimore and Ohio Railroad Company, you will visit the President and other managers of the railroad from Philadelphia, through Wilmington to Baltimore, and by urging similar propositions and views, endeavor to form a prospective contract with them, subject to the approval of the Department, for the conveyance of the great mail on their road, when it shall be completed. No change occurs to me as necessary in the propositions suggested, other than that the postmaster at Wilmington should have a key to the box or car in which the mail shall be transported, that he may there open it and exchange mails.

If no satisfactory arrangement can be made with the managers of this road, then you will inquire into the practicability of making an arrangement with the managers of the railroad said to be in progress to connect the road from Philadelphia to Columbia, with the city of Baltimore, when that road shall be completed.

Having finished your inquiries and discussions on those routes, you will proceed to New Jersey, and open similar negotiations with the managers of the road from Philadelphia to Trenton, and through by New Brunswick to New York. It is thought a preference should be given to that over the Amboy route, because, in avoiding all steamboat or water transportation, it is likely to afford a more regular and certain means of conveyance. For the sake of uniformity as well as safety, it is desirable that the same plan of sending the mails in a separate box or car should be here also adopted. If a portion of the transportation be upon the turnpike from Trenton to New Brunswick, the mail-box may be readily transferred from the Railroad car to a carriage constructed to receive it, and at the end of the turnpike again transferred to the railroad car, so that the mail shall not be exposed or disturbed. At Trenton and New Brunswick the postmasters may have keys, and exchange mails.

If no satisfactory arrangement can be made on this route, then you will confer with the Managers of the Amboy road, and, if practicable, make an arrangement with them. If these companies cannot be induced to run a night line, then you will ascertain for what compensation they will transport the great mail by day, and also for what they will carry a second mail between the two cities. But in all your negotiations with these companies, as well as those already adverted to, you are particularly instructed to ascertain whether they will carry a mail by night, and on what terms, and what difference they will make between carrying the great mail by night and by day, and also what difference they will make for carrying a second or small mail in the same manner.

Having finished your negotiations in New Jersey, you will proceed to New York, and confer freely with the President and Managers of the Boston and Providence Railroad Company, with a view to a contract with that Company during steamboat navigation, to carry from New York the entire Eastern mail, distributed at Providence and Boston. Here, also, let the same secure mode of conveyance be suggested.

You are further instructed to inquire of each of the railroad companies with which you may confer, for what sum of money, paid in hand, they will undertake to convey the mails once per day, and for what sum twice per day, at such hours as may from time to time be prescribed by the Department during the continuance of their respective charters. You will apprize them that this inquiry is made with a view, if their terms be reasonable, to ask Congress for an appropriation to purchase the freedom of their roads for the United States mails. If it be found impracticable or inconvenient for you to finish your negotiations with any company on your outward trip, then you can put them in train, and complete them on your return.

It is desirable that this service be concluded with all practicable expedition; you will from time to time report progress. Very respectfully,

AMOS KENDALL.

P. S. Loughborough, Esq.

ANNUAL TREASURY REPORT.

Treasury Department, December 8, 1835.

In obedience to the directions of the "act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits to Congress the following report:

1. *Of the Public Revenue and Expenditures.*

The balance in the Treasury on the 1st of January, 1833, was - - -		$2,011,777 55
The actual receipts into the Treasury during the year 1833, from all sources, were - - - - -		33,948,426 25
Making the whole amount in the Treasury in that year - - - -		35,960,203 80
The actual expenditures during the same year, including the public debt, were -		24,257,298 49
Hence, the balance in the Treasury on the 1st of January, 1834, had increased to		11,702,905 31
In addition to this balance, the receipts from all sources during the year 1834, were -		21,791,935 55
Viz:		
From customs -	$16,214,957 15	
Lands - -	4,857,600 69	
Dividends on bank stock, &c. -	234,349 50	
Sales of bank stock	352,300 00	
Incidental items	132,728 21	
These, with the above balance, made an aggregate of - - - - -		33,494,840 86
The expenditures during 1834, on all objects, were - - - - -		24,601,982 44
Viz:		
Civil list, foreign intercourse, and miscellaneous subjects - - - - -		4,404,728 95
Military service, including fortifications, ordnance, Indian affairs, pensions, arming militia, and internal improvement -		10,064,427 88
Naval service, including gradual improvement - - - - -		$3,956,260 42
Public debt - - - - -		6,176,565 19
This being an excess of expenditures over the receipts of $2,810,046 89, a balance was left in the Treasury on the 1st of January, 1835, amounting to only -		8,892,858 42

For the details of the receipts and expenditures in 1834, reference is made to the annual account thereof, which is this day submitted to Congress, in a separate communication, accompanied, as will be seen, by similar details of the receipts and expenditures for the three first quarters of the year 1835, and of the whole estimates for 1836.

The receipts into the Treasury, ascertained and estimated, during 1835, are computed to be $28,430,881 07. Of these, the actual receipts during the first three quarters, are ascertained to have been $23,480,881 07.

Viz:		
From customs -	$13,614,489 26	
Lands - -	9,166,590 89	
Dividends on bank stock - -	506,480 82	
Sales of bank stock	62,800 00	
Incidental items	130,520 10	
		$23,480,881 07

Those during the fourth quarter, it is expected, will be $4,950,000.

Thus, with the balance on the 1st of January, 1835, they form an aggregate of $37,323,739 49.

The expenditures of the whole year are ascertained and estimated to be -	$18,176,141 07
Of these, the expenditures during the first three quarters are ascertained to have been - - - - - -	13,376,141 07
Viz:	
Civil list, foreign intercourse, and miscellaneous - - - - - -	2,827,196 16
Military service, including fortifications, &c.	7,555,819 41

Naval service, &c. - - - -	$2,929,219 39
Duties refunded - - - -	4,756 04
Public debt - - - -	59,150 07
	$13,376,141 07
The expenditures for the fourth quarter, it is expected, will be - - -	4,800,000 00
Thus leaving on the 1st of January, 1836, subject, however, to the deduction hereafter mentioned, an estimated balance of money on hand equal to - -	19,147,598 42
This includes what has heretofore been reported as unavailable funds, now reduced to about $1,100,000, making the computed available balance on the 1st of January, 1836 - - - -	18,047,598 00

On that are already imposed by Congress the following charges, by current and permanent appropriations, which have not yet been expended.

First, of former appropriations, except those towards the sinking fund, it is supposed that there will remain unexpended at the close of the present year the sum of $8,126,794.

Of that amount it is computed that only $7,306,765 will be required to accomplish the objects intended by them, leaving $344,707 to be applied in aid of the appropriations for the ensuing year, without reappropriations, (as will be seen in the estimates,) and the balance of $475,322, which has not been required, either at all, or seasonably, for the objects contemplated in its appropriation, will, therefore, be carried to the surplus fund. Secondly, on what is properly embraced in the appropriations towards the sinking fund, there is an outstanding charge of about $253,556, for unclaimed interest and dividends on the funded debt, and of $37,233 for unfunded debt.

These, though chargeable on the Treasury, under existing acts of Congress, and subject at any moment to be demanded, are not all likely to be called for immediately, if ever.

Computing, however, all the existing charges of every kind on the Treasury at the end of the present year, to be about $7,595,574, the balance of available funds, then on hand, would, it is estimated, be sufficient to meet the whole at once, and leave to be hereafter applied by Congress to new and other purposes, the sum of about $10,450,024.

The next subject deserving consideration, is the action of this Department since the last Report in relation to the final extinguishment of the

II. *Public Debt.*

Before the close of the year 1834, ample funds were deposited with the U. States Bank, as Commissioner of Loans, to discharge all the public funded debt, which was then outstanding.

Of the funds so deposited heretofore, and still unclaimed by the public debtors, there remains in the possession of the Bank, the sum of	$143,570 63
Since the 1st of January, 1835, there has been paid from the Treasury of interest and dividends outstanding and before unclaimed on the funded debt the sum of	60,000
There still remains of the same debt, due and unclaimed, but ready to be paid whenever demanded, an amount equal to about	253,556

Similarly situated is a small unfunded debt of $37,513 05 which may hereafter be claimed, and on which has been paid during the past year only $220

It consists of claims, registered prior to 1798, for services and supplies during the Revolutionary war, equal to	$27,437 96
Treasury notes issued during the war of 1812,	5,755
and Mississippi stock,	4,320 09

III. *The Estimates of the Public Revenue and Expenditures for the year* 1836.

The receipts into the Treasury from all sources during the year 1836, are estimated at $19,750,000

Viz:

Customs,	$15,250,000
Public Lands,	4,000,000
Bank dividends, and miscellaneous receipts,	500,000

To which add the balance of available funds in the Treasury on the first of January, 1836, estimated at $18,047,598, and they make together the sum of 37,797,598

The estimates of expenditures, submitted for all specified objects, both ordinary and extraordinary, for the service of 1836, and including the contingent for the usual excesses, are, 23,133,640

The expenditures during that year for specified ordinary purposes, are estimated at	16,756,815
Thus the permanent and new appropriations for those purposes, required for the service of that year, are estimated at	16,412,108
Under former appropriations, there is included in the estimates for 1836, a sum proposed to be used for the service of 1836, without re-appropriation, equal to	6,344,707
And these two sums amount to the before-mentioned aggregate of - -	16,756,815
They are divided among the different branches of the public service, as follows, viz: new appropriations for civil, foreign intercourse, and miscellaneous items	3,041,081
Military service, pensions, &c. -	8,602,319
Naval service, and gradual improvement	4,768,708

Previous appropriations to be used for 1836, for civil, &c. $5,192, for military, &c. $339,515. By virtue of former acts of Congress, there will probably be wanted, during 1836, for the payment of interest and dividends unclaimed on the funded debt, and of unfunded debt itself, yet unpaid, the sum of $50,000.

To these add such contingent excesses of new appropriations by Congress for ordinary purposes as are not included in the estimates, but which are likely to be deemed proper by that body, and the grounds of which were explained in the last annual report, $3,000,000. The estimates of expenditures in 1836, for extraordinary purposes, which are submitted in connection with the military and naval services, amount to - - $3,326,825

Making, as estimated for the service of 1836, all the new appropriations of every kind, specifically called for, to be $17,515,933; and all the expenditures of every kind, for the service of the same year to be in the aggregate $23,133,640

On the supposition that the appropriations outstanding and unexpended at the ends of the years 1835 and 1836, will be similar in amount, this would leave an available balance in the Treasury at the close of the year 1836, or, on the 1st of January, 1837, estimated at about $14,500,000, provided the receipts be as computed, and Congress make no larger appropriation for extraordinary or other purposes, at their present session, than those enumerated in the estimates submitted. From this amount, after deducting about eight millions to pay the outstanding appropriations, to which the Treasury will then probably stand pledged, there will be left, at the close of 1836, a nett balance of only from six to seven millions applicable to any other use, which Congress may now, or then, be pleased to designate, instead of about ten and a half millions, the nett balance estimated to be left so applicable at the close of 1835. In other words, the expenditures will, in the ensuing year, for only the objects specified in the estimates, probably exceed the receipts in that year about four millions of dollars, and thus to that extent, reduce the balance now on hand.

IV.—*Explanation of the estimates for* 1836, *with some suggestions on the probable changes till* 1842.

The basis on which the above estimates rests will now be exhibited and explained.

In the peculiar condition of the country at this time, without any debt to absorb our surplus receipts, and amidst the great changes which have recently happened, and will probably continue to happen in our whole revenue and expenditures, till after the essential alterations made by existing laws shall cease in 1842, this Department feels bound to enter more into detail than usual concerning the grounds of its estimates, and to disclose more fully every material consideration which has led it to the results presented. Congress will thus be better enabled to judge of their accuracy and to correct any unintentional errors. For convenience in reference, a tabular statement is annexed (A) which presents separately for 1833, 1834, and 1835, so far as the last is ascertained, the general estimates in one column, the actual appropriations in another, and the expenditures in a third. To these are added, in other columns the whole revenue, with the exports and imports for each of those years. For a similar reason the Register has been requested to have the detailed estimates for 1836 prepared with a second column, showing against each the actual appropriation in 1835 towards a like object.

Explanation of the estimates of receipts from Customs.

In respect to the estimated receipts in the Treasury for 1836, so far as derived from customs, they have been computed on an importation of foreign merchandize, expected to be near the average of the last three years, but much less than the importation of the year ending in September, 1835.

Under our present system of revenue, derived usually in the ratio of 3-4 to 6-7 from customs, the amount of imports have a very important bearing on our whole receipts. The amount of exports is likewise material, as in some degree influencing the imports, and in the present condition of the country throwing much light on its great agricultural prosperity, and furnishing with the others highly useful indications concerning the extent and increase of our foreign commerce.

The imports during the year ending September 30th, 1835, are ascertained and estimated at $151,030,368.

They show, compared with the preceding year, an increase of $24,509,036. Those during the three past years have, on an average, been about $128,556,670.

The exports during the past year are ascertained and estimated at $118,955,239; of these $98,531,026 were in domestic, and $20,424,213 in foreign products. Compared with the preceding year they exhibit an increase of $14,618,266.

As some evidence that our estimates of the whole importations the ensuing year are founded on correct data, it appears from a document annexed (C) giving their amount from 1790, that they have constantly and sometimes largely fluctuated between particular years, though comparing most terms of a few consecutive years with former ones, they have generally increased. Thus the whole imports during the five years prior to 1835 exceeded those of any former period of similar length by nearly fifty millions, except on one occasion, almost thirty years since, when they approached near, and another, about twenty years since, when they exceeded, their recent amount; in consequence at the former period of our extraordinary share in the carrying trade, and at the latter one of the large demands to supply the deprivations which had been caused by war, and to meet the increased calls of numerous new commercial enterprises, fostered by returning peace. But the very fact of our recent importations having been so large is one of the causes why a considerable diminution in the whole amount in 1836 is anticipated. Some further causes will hereafter be specified, in connexion with other considerations, which, it is believed, will tend to produce the same conviction. When we proceed to examine the free or dutiable character, rather than the amount of our imports during only a few years past, with a view to estimate more critically the revenue which will probably be received from them in 1836, and to form some general conjectures upon the subject thenceforward to 1842, it is a fact, deserving careful notice, that while the whole amount of imports has for some years been increasing, that portion paying duties has greatly diminished; and, at the same time, the portion exported and entitled to drawback, has not diminished in a similar ratio.

A statement is subjoined, which furnishes important details on this point since the late great changes in the tariff (B.)

The general results from them are, that while the importations paying duties have fallen off in 1833 about eleven millions, and in 1834 about seventeen millions more, and the free goods increased in even larger proportions, the exportation of dutiable articles has fallen off in the corresponding years only about six and two millions, leaving the actual consumption in the United States of such foreign merchandise as pays duties at little more than one-third of our whole imports, and quite twenty millions less than in 1832. This computation as to the consumption is made on the probable hypothesis, that the stock of such merchandise on hand remained about the same at the close of each year, which, though not correct in some single years, on account of wars and various vibrations in trade, would in any series of a few years be near the truth. The importations, however, in 1835, and especially in the last quarter, as they have been unprecedently large, exceeding, it is computed, in that alone, more than fifty-three millions, and mostly not yet consumed, may be thought to constitute some exception to the above rule; and hence, coupled with the fact that the returns are still incomplete, and depend in part on estimates, their amount and character have not been introduced into this comparison. But they are inserted in the table, as far as ascertainable, and if considered without any unusual limitations or deductions, would show a great fluctuation in the consumption, both of all foreign merchandise and of that which is not free.

The rate of duty has in many articles been so essentially reduced, or entirely removed, as to lessen the whole receipts from customs over twenty-four millions in the last two years, and produce most of the above differences in the character of our imports. With a view to enable Congress to form a just estimate of the probable receipts from customs the ensuing year, there should be made to any changes occasioned by the above causes, such additions and diminutions for the past and the future as are required by the difference, which often happens between the amount of duties accruing and the amount actually received in any particular year.

In some instances this difference happens by large changes in the amount of bounties paid or duties refunded; or, as in 1833, by the substitution of cash duties for credits, and by giving short instead of longer credits, and in others, by the bonds due after the commencement of some years, as in 1834, having been larger in amount than in 1835, some having been given for duties on certain articles, which afterwards became free, and others having been given for more duties on the same kind and amount of articles before the biennial reduction took effect, than they were subject to afterwards. Without new legislation, however, none of these circumstances, except the last one, can operate much hereafter till 1842; and the effect of that will generally not exceed a quarter of a million of dollars, and is a gain to be felt not till 1837. Another difference arises sometimes from larger collections of old debts due for customs, as when in 1835, but not anticipated in 1836, nearly one quarter of a million has been collected on a single claim, originating as long as ten years ago, independent of many smaller collections on still older claims. The only remaining difference of much importance in our receipts from customs the ensuing year, compared with the last one, will probably result from the biennial reduction in duties of nearly a million of dollars, which the existing laws provide shall take place after the close of the present month. This reduction of duties might, under some circumstances, be chiefly obviated by an increased importation and consumption of foreign merchandise. But it has been already stated, that the whole importations were of late so unusually large, as with other causes hereafter explained, not only to forbid any reasonable expectation of their increase in 1836, but to render a reduction probable; and, it is further believed, a careful inquiry will show, that the consumption of all kinds of foreign merchandise in the United States has generally enlarged in a smaller ratio than is supposed by many, and especially that the use of such as pays duties, which is the cardinal tests of our receipts from customs, will rather lessen than increase in

1836, and be not materially enlarged till after 1842. By the table before referred to, (C,) which is the most accurate the records of the Treasury enable me to prepare, it will be seen what our consumption of foreign merchandise of all kinds has been during each of the last forty-five years. By comparing, not single years with others, but a series of three years, as, for instance, 1792, '93, and '94, with other similar series after intervals of ten years, and paying less regard to the first and third series, as the former rests on estimates made now and not on valuations at the time, and the latter being in a period of war, is too irregular for a guide, it appears that the average increase of consumption of all foreign merchandise has been not three per cent. annually in the last thirty years, and has been not equal to the increase of our population during the same period by over one and a half per cent.

While the increase of the latter has also been very uniform, varying between every census, and for the whole time very steadily between four and a half and five per cent. that of the former has fluctuated largely, rising under the great impulse given to credit, industry, and enterprise, by the adoption of our Constitution, to near seven per cent. yearly, during most of the first ten years, and then falling to only about one per cent. the next twenty years. After that, by one of those customary tides in trade which almost periodically occur soon after checks to overtrading, an exhaustion of old stocks of goods, and enlarged means to purchase, from abundant crops, their high prices, or any other cause, the rate of increase in consumption rose again; and by reason of so many free goods, and especially the unprecedented imports of specie in 1833 and 1834, amounted, on an average, during the last ten years, to four per cent. annually. Deduct, however, that excess of specie alone, and the increase would not much exceed three per cent. on the consumption of all kinds of foreign merchandise; while on that of such merchandise as pays duties, there has, as before detailed, been a great decrease; and there is no likelihood of much permanent increase, till the whole importations shall be greatly augmented, or the tariff be again extended to a larger list of articles. By the customary reflux of that tide from opposite causes, and the greater substitution of some kinds of domestic products, it is believed that the above rate of increase as to all foreign articles, will again soon decline, and probably remain much below that of our population, until new legislation, or the essential alterations now going on in the tariff, shall materially enlarge the amount of goods paying a low duty. As the capacity of the country to purchase foreign goods will, all other things remaining equal, be then enlarged in the ratio of what it does not pay for duties, such alterations, when their influence shall be fully felt in 1842, will, as the great alterations in 1832 and 1833 have already done, doubtless tend again to augment somewhat the whole importation and consumption of foreign articles. Another comparative view, perhaps more striking, of this consumption, is, that according to the value of the articles as estimated at the custom house, its average amount in 1790 and '91 was about seven dollars per head to our population; in 1800 and 1801, over ten dollars per head; in 1810 and '11, about seven; but in 1820 and '21, only about six; and in 1830 and '31 only about five, or one-half of what it was thirty years before.

This great difference has probably arisen, not only from the increased domestic production of certain manufactures, such as cottons, woollens, salt, and iron, and of some articles more immediately connected with agriculture, such as sugar and molasses, but from a fall in the price of many articles, making the value less of a similar quantity consumed, and from the greater extension of our population into the West, where the independent habits of the people, and the comparatively enhanced cost of foreign articles, would tend to cause a smaller consumption of them than near the seabord, where their price is lower, and it is customary to depend more on foreign supplies.

It will be noticed that all the above computations have been made of the value, and not the quantities, of the articles consumed. The latter would be more difficult to exhibit in so great detail and fulness. But if they could be, the result would, in a view connected with political economy, be more satisfactory, as showing more clearly the comparative habits of our population at different periods; because prices, especially of some manufactures, have fallen during the last forty years; probably, on an average, over fifty per cent., and our whole consumption of foreign articles has, without doubt, diminished more in value than in quantity.

But the difficulties before mentioned have prevented any further exhibit, coupled with the circumstance, that, in respect to the amount of duties, the inquiry now most pertinent and material, the result, in the present state of the tariff, would be much less important than some might at first imagine, as it would be wholly unaltered in all cases of specific rates of duty, whether the values of the quantities be detailed in the statements, and equally unaltered in over half of all the foreign goods now imported, they being at present free, and the rate of increase in their consumption by additions to our population, or other causes, having no influence whatever on the revenue.

Hence, in looking to the future, it is essential to notice that, if the increase in consumption of all foreign goods should continue to be on an average till 1842, as large as during the last thirty years, it would only add yearly about one and one quarter millions to the imports of goods which are now dutiable, and on which the average revenue would not probably exceed two hundred and fifty thousand dollars per annum. But, it is presumed that the increasing substitution in our importations for consumption, of free for dutiable goods, when the former will answer the desired purposes of the community, will, on account of their comparative cheapness, make the free rather than the dutiable goods usually increase, and be frequently in a ratio quite large enough to counteract or neutralize the effects of any tendency to augment the revenue by an increased consumption of all kinds of foreign goods.

The commercial returns for 1835 were not received so as to be used in any of the above computations; but so far as now ascertained and estimated, they are given in the table, and furnish another illustration of the fluctuating character of our foreign trade, and the uncertainty of any statements founded on it, which do not extend to comparisons of various and distant periods of time.

The exports of domestic produce the ensuing year will, as before remarked, exert some influence on the amount of importations, and hence on the revenue from customs. But the effect of those exports on our importations for immediate consumption, including all but specie, and other articles to be again exported, will in reality always be less than is sometimes supposed; provided the domestic supplies of similar articles should, as of late years, continue rapidly to increase, and should prove to be equal in quality, and not higher in price, than similar ones imported from foreign nations. In that event, though the ability of the people to buy foreign goods will fortunately be greater, where the exports are large, yet the permanent returns from abroad will generally be more in money to be expended at home, and less in goods to be consumed. But the diversity of opinion which exists, concerning some of these considerations, has led me to submit the document annexed, (D.)

From this it appears that our whole exports, of every kind, in the last five years, including the estimates for 1835, have not exceeded those during a similar term, from 1803 to 1807, inclusive, but about forty millions, and being an excess no larger than at most intervening periods, while an extraordinary increase has taken place in our exports of domestic products, exceeding in value those during that term more than one hundred and fifty millions, and being quite double the excess at most intervening periods. Indeed, it will be seen that they have been almost a hundred per cent. larger than they were in any similar term of years previous to 1816, and have exceeded those during such a term only ten years ago, by the sum of about one hundred and fifteen millions, a difference greater than the whole amount of all our exports of domestic products during the first five years under our present form of government. The recent average rate of increase in these exports, however, has not been large, independent of the article of cotton; nor is it likely to augment during the few ensuing years. Adopting a comparison between every term of ten years, from 1792-'3, and '4, to 1832-'3, and '4, and including all articles, it appears that the whole exports of domestic produce exhibit an increase in the last thirty years of less than three per cent. annually, or a rate considerably lower than that of our population, though, in the previous term of ten years, by the great prosperity from our new form of government, and the rapid progress in the cultivation of cotton, that increase was near eight per cent.; and in the high price and large exports of this article in the last term of ten years, it has been about five per cent. annually. But as that price has of late been unusually high, and is now lower, and as the demand for cotton abroad in the ensuing year is not likely to exceed, if it equals, the late customary ratio, and on which some interesting facts may be seen in the statement annexed, (E) the value of our whole domestic exports (over one-half of which now consists of cotton) will probably be less in 1836 than in 1835. This result, therefore, fortifies, rather than impairs, the correctness of the diminished estimate of our whole importations in 1836, and of the anticipated receipts of duties therefrom.

On the whole, then, as the biennial reduction in those duties which exceed twenty per cent. takes place on the 31st instant, and will amount to near one million of dollars, as in the ensuing year, the whole importations will, by the estimates, be less, and the consumption of foreign articles paying duties is, for that and other reasons, not likely to increase, it results from these and some circumstances before mentioned, that the whole amount of revenue which will be received from imports during the year 1836, will probably be from one to two millions less than in 1835. If we look forward to 1842, when the tariff is, by our present laws, to undergo a great change, and if we regard, in the intervening time, the probable exports of domestic produce, and imports of foreign merchandise, or the presumed consumption of that small portion of the latter paying duties, it may fairly be concluded, that, after making due allowances as to all these, on account of our increasing population and wealth, and deducting those allowances from the biennial reduction, not only will the revenue accruing from customs probably diminish at the average rate of about one-third of a million per annum, or near two-thirds of a million every second year until the first of January, 1842, but then, at one blow, over two and a half millions more of the duties above twenty per cent. is to be struck off; and on the first of July the same year, over two and a half millions more, and some new articles, for the first time, be rendered entirely free. All the reduction which is to take place in that year alone, will thus amount to between five and six million of dollars; and the whole annual revenue from customs will, by 1843, have probably fallen to about nine, instead of its present amount, of about seventeen millions of dollars.

Explanation of the Estimates of Receipts from Lands.

The revenue from lands the ensuing year has been estimated at four millions of dollars. In submitting the estimates for 1835, the amount expected to be received from this source, was, for reasons then stated, calculated half a million higher than it had ever been before, and was described as still too low, if the Department had not anticipated that large sales would be made for the Indians, the proceeds of which were not to go into the Treasury for public uses. But these last sales, delayed till the first month in the next year, have unexpectedly given place to others, all whose proceeds have so gone into the Treasury. This change, with the operation, in such unexampled force, of the circumstances detailed in those reasons, aided by such an eager thirst for the investment of surplus capital in new lands, and the bright prospects of large profits from their immediate cultivation for cotton in the Southwest, with the extraordinary number of pre-emption claims allowed, has caused the actual receipts from their sales, during the year 1835, to exceed those of any previous year, by the sum of probably more than six millions of dollars.

From the fact that many of these sales have not been made to actual settlers, and that much of the land thus sold will remain in the market to aid in supplying hereafter such purchasers—from the probability that some diminution in the price of cotton, with the increased cost of labor, will lessen somewhat the ardor for new investments in land in the Southwest from the circumstance that much fewer pre-emption claims exist, and that fewer public sales of lands whose proceeds belong to the Government, by over two millions of acres, will be advertised the ensuing year—and from the presumption that the surplus capital to be re-invested, derived from the final payment of our public debt, and from the unusually great exports the last two years, will be reduced, it has not been deemed safe to estimate the receipts, for public purposes, from sales of land in 1836, at more than four millions of dollars.

Besides those receipts, the sales of the Chickasaw lands, postponed as before remarked, to the ensuing year, will probably be considerable, as the quantity offered will be about six millions of acres; and though, by treaty, the proceeds of them must be invested for the Indians, yet the sales will, to their extent, diminish the demand for other lands, whose proceeds would go into the Treasury. In looking beyond the next, and a few succeeding years, as connected with this subject, it is true, that the whole lands still owned by the United States, within the boundaries of the present States and Territories, exceed the vast quantity of three hundred and thirty millions of acres; and, west of Missouri and Arkansas, perhaps seven hundred and fifty millions more, of which only seventy or eighty millions have yet been specially assigned to the Indians, or in any other way absolutely appropriated. But though three hundred and thirty millions of acres would alone be enough in quantity, at even the rate of the recent large sales, to continue, for a considerable time, to yield an important share of revenue, it must be remembered, that the demand for it will be limited generally by the extent of the increase of our population and capital; and that large portions of it, perhaps one-fourth, ought to be deemed waste and water; and probably half of it, as well as much of that which lies west of the present States and Territories, be considered of such an inferior quality, that it cannot be sold for cultivation till our population reaches an amount and density which will probably require ages to effect. In illustration of some of these views, it is a remarkable fact, that, of the whole quantity of land surveyed and offered at public sale, from 1789 to 1834, being about one hundred and twenty-two millions of acres, not one-third of it has been sold for any purpose whatever; and that the whole receipts, being a little under fifty millions of dollars, from the whole sales of public lands during that period, have furnished only a small amount, not exceeding three or four millions of nett revenue, beyond the whole cost, in various ways, attending their purchase and management.

But a considerable nett revenue from them, hereafter, if neither given away nor divided, can with safety be expected, and they would then tend to furnish that relief under the common burdens, and that aid towards the common and legitimate objects of the Union, which were intended to be promoted by their original cession to the General Government. The present rate of increase in our population engaged in agricultural pursuits, will not, it is presumed, for six or seven years, create a regular annual demand for immediate cultivation of over one million of acres of the public lands; and it is calculated that from two to four millions more will be bought yearly for investment of capital and re-sale.

The estimate for that time proceeds on the probable presumption that no very large portion of our old cultivated lands will be wholly abandoned, and that new lands annually put into cultivation in the whole Union, have been, and will be to the amount of quite one-half of those bought of the actual settlers, not directly of the United States, but by the several States, or of individual owners. As the wild lands owned by several of the States, and by companies or individuals, whether belonging to them through gift, sale, or otherwise, from either former Governments or the United States, shall increase or diminish in quantity and price, the new sales by the United States are likely to be less or more, and the above proportions to become by those as well as by numerous other circumstances, somewhat affected. The whole sales of public lands for speculation and investment, as well as for immediate cultivation will, therefore, from various causes, some of which have already been specified, probably fluctuate between two and five millions of acres, producing from three to six millions of dollars a year till 1842, and indeed not often exceeding the maximum till most of the rich soils are gone.

A document has been carefully prepared, (F) which in some degree verifies these general views, as it shows that the whole sales to the close of 1834, deducting about six and one-third millions of acres, which reverted under our former system, have been only about thirty-seven and a half millions of acres during forty-five years, or on an average only about three-fourths of a million of acres yearly, for immediate cultivation, and every other purpose. This quantity sold, with about sixteen millions given away as bounties in the last war, and for schools, colleges, internal improvements, and other public objects in the new States, being together almost half as much as all the sales would, through the whole time, be taken from the public lands by both gift and sale, and for all purposes, little more, if any, when compared with our population, and the additions to it at different periods, than three millions of acres would annually be now. It may be instructive in respect to the estimate of our future proceeds from lands, to recollect that, after the present system commenced, the sales never amounted in fact to one million of acres a year till 1815, nor to two millions a year till the temptations of the credit system, and the great rise in the price of cotton to 26 and 34 cents per pound, induced larger purchases, extending to over two millions of acres in 1817, and about five and a half millions in 1819; and thus even fifteen years ago exceeding in quantity, by nearly a million of acres, the large sales of 1834, and exceeding them in the sums promised to be paid, by the almost incredible amount of more than twelve millions of dollars. But the fall of cotton in 1820, to only about half its former price, combined with other causes, left the purchasers in debt to the Government over twenty-two millions of dollars, and with the change from the credit to the cash system, reduced the sales again to much less than a million of acres a year, caused nearly six millions of the former sales to revert, and kept them down to less than a million in every year after, till the rise of cotton in 1825 gave a new impulse, which being aided by other powerful causes, the sales gradually enlarged, till they reached a million again in 1829. Since that, increasing still more rapidly, they have exceeded, during 1834, four millions of acres, and during 1835 probably nine millions. Among those other causes, the more extensive introduction of steam power on the western rivers and northern lakes, with the public improvements in their navigation, and the increased facilities of intercourse by railroads and canals, have of late added much to the sales of the public lands beyond previous years, and beyond the proportional increase of population. To the force of these causes have been joined, during the last three years, as formerly suggested, the effect of the preemption law, the increase in the price of cotton, and the unusual abundance of surplus capital in 1835, seeking new investments. But much of the great difference to be produced by these causes has, perhaps, happened already. What extraordinary increase of population and demand for new lands in the United States, may hereafter occur by emigration from Europe, compared with former years, must depend on so many contingencies both here and there, such as good or bad governments, prosperity or decline of manufactures, and a taste for emigration to new lands in other quarters of the world, as at present to prevent any person from making a safe estimate.

Difficulties in Estimates as to Customs and Lands.

Comparative and speculative views, connected with the subject of our receipts from customs and lands, could be further extended, but their practical utility might be deemed problematical, as sufficient is believed to have been already stated for all general purposes. Greater confidence is felt in the estimate submitted for the receipts from customs in 1836, as that offered last year for 1835, founded on somewhat similar data, has not varied from the ascertained and estimated actual receipts over a million of dollars; but the actual receipts from lands have, for the various reasons before explained, differed largely; and, united with the failure to pass some usual and anticipated appropriations at the last session of Congress, have caused most of the increased surplus now in the Treasury.

The difficulty in attaining much certainty in estimating the receipts from either customs or lands in any particular year in a country so new, enterprising and prosperous as ours, has ever been considerable, in addition to the fluctuations we always shall be liable to from short crops, pestilence, and war. But this difficulty will be more strikingly exemplified till 1842, under the material alteration from credit to cash payments, and under the continued biennial changes to which the tariff is now subjected. It was shown in 1822, in a Report of a Committee of the House of Representatives, that, from 1802 to that time, the estimates of our whole receipts differed, either by excesses or deficiencies, from the actual receipts in different years, from one to forty-three per cent. and in customs alone, from three to seventy-three; being an average of about sixteen per cent. per annum. The difference since 1822 has been carefully examined, and is found to vary from less than one per cent. to over forty-one, and averages annually about thirteen per cent. But the effects of the irregularity of our actual receipts into the Treasury in any particular year, whether over or under the estimates, were less noticeable, and were of less comparative importance before the final payment of the public debt, at the close of 1834, as that payment, from time to time, corrected any irregularity, and superseded what will often hereafter be inevitable without due precaution: the necessity of a resort to new legislation whenever any considerable excess or deficiency happens to occur in the whole revenue. Beside what has already been remarked on the influence which the increased cultivation of cotton in this country has in various ways exercised, and is likely to exercise hereafter in our revenue from customs and lands, it might be made a subject of further and very interesting inquiry, in connexion with the uncertainty of the estimates on those subjects, affecting, as that cultivation does, more remotely, not only our revenue from lands and customs, the balance of trade and the export of specie, as well as the continuance, by means of mutual dependence among great interests, of many of our peaceful and prosperous relations, both at home and abroad. But without entering, on this occasion, into further details concerning any of these points, it may be mentioned as a very striking result connected with the last one, and as furnishing a strong presumption in favor of greater exemption hereafter from fluctuations by war and commercial restrictions, that while the quantity of cotton exported from this country has increased from half a million of pounds, 1790, to over 380 millions, in 1835, and has exceeded in value, during six of the last ten years, all our other exports of domestic products of every description, the manufacture of it at home, and chiefly in the northern States, has increased from consuming only a few bales, to more than ninety millions of pounds yearly, and to that extent creates a new and strong bond of reciprocal advantage and harmony. And that while we now furnish, instead of the small quantity in the first years of our Government, quite fifteen-sixteenths of the whole consumption of raw cotton by England, and seven-tenths of that by France, all the present exports of it to Europe, from all the rest of the world, do not probably equal, if those two nations could obtain the whole, one-third of what they now consume, or one-fourth of what they now import from the United States alone. And thus, while neither of them produces any of the raw article, except a little in some remote dependencies, that they have an annual manufacture now relying on it, and chiefly on the United States, equal in France to eighty millions of dollars, and in England to one hundred and eighty millions of dollars; and constituting in the latter, after it supplies her own large necessities at home, over one-half in value of her great annual exports to all quarters of the globe.

Explanation of estimated receipts from Miscellaneous sources.

The estimate of receipts from Bank dividends has been made at the usual rate, computed on the present amount of stock still owned by the United States, independent of what belongs to the navy pension fund. Should the Bank divide a part of its capital, after the 3d of March next, and before the close of the year 1836, the dividends received for interest or profits will probably be somewhat lower; but, on the other hand, there will then be received into the Treasury, instead of them, a due proportion of the capital stock.

This Department made seasonable inquiries of the Bank itself, as to its probable course, in respect to the division of its capital, with a view to apprize Congress of the revenue which ought to be anticipated from that source in 1836; but, extraordinary as it may appear, at a period so near the close of its charter, and after the discontinuance of several of its branches, it will be seen by the correspondence annexed, (G,) that the Bank had then come to no decision on the subject.

The sales of Bank stock to the navy pension fund will probably not be deemed advisable by Congress, after the 3d March next, and hence the receipts from those sales have been estimated less than usual.

It is supposed that the other receipts from miscellaneous sources will correspond nearly with those in 1835, except that the sum of $6,235, belonging to this Government out of the Neapolitan indemnity, for the transportation of seamen, at the time our vessels were seized, having in the first instalment been promptly and honorably paid, according to treaty, has, since the last annual report, been adjusted, and credited under this general head. It gives me pleasure to add that about $100,000 more has been secured by means of that indemnity, on debts of long standing, due from several of the claimants to the United States, and one-fifth of it has already been paid into the Treasury. In pursuance of the act of Congress on this subject, the balance of the first instalment, as soon as the awards were completed, was paid to those entitled to it, and certificates were issued for the remainder. All due under the second instalment has since been punctually discharged by the King of the Two Sicilies, to the agent of the Treasury abroad, and after some delay in its remittance from Naples to Paris, with a view to make it in a manner most advantageous to the claimants, the whole has been received here, and the nett proceeds, as soon as ascertainable, immediately paid over.

Explanation of the Estimates and Expenditures.

The expenditures in 1836, for ordinary purposes, are, it has been seen, estimated at a still lower sum than they were for 1835. But as the present is a long session of Congress, the contingent excesses of appropriations beyond the general estimates, explained in the last annual report, have been submitted as likely to be half a million larger. It is gratifying to state that, independent of the payments towards the national debt, leaving the community with all its capital and energies entirely from that cause unburdened and untrammelled, the actual expenditures of the General Government have, on other subjects, since 1833, been reduced about four and a half millions of dollars a year, or near nine millions in 1834 and 1835, and the country at large, during the same period, relieved from taxation by reductions in the tariff, equal to nearly twelve and a half millions a year, or about twenty-five millions in all. The probabilities as to still further reductions in our expenditures for ordinary purposes during a number of ensuing years, excluding any extraordinary grants on account of the present large surplus, or other causes, can best be weighed by a retrospect to the chief subjects of increase during a few past years, and by a discrimination between the items, which are in their character permanent or temporary, and which still exist or have already expired.

The chief items of increased expense during those years, which (from an increase in some of our national establishments, caused by obvious reasons, in most cases, such as greater population and business, and rapidly extending frontier) will probably be somewhat permanent, if not in some instances progressive, are most of the large additions to the legislative expenses—the gradual augmentation in appropriations for the Judiciary and the salaries of District Judges—the new Bureau of Solicitor of the Treasury—the corps of mounted dragoons in the army—the increased number of, and pay to, officers in the navy, and the extra compensation to officers of the customs since the great reductions in the tariff. The chief additional items of expenditures during the last few years, which may be deemed temporary in their nature, but which still continue in a greater or less degree, are the large increase in the extinguishment of Indian titles, and in grants of Revolutionary pensions; the payment of Virginia commutation claims; great additions to our light-houses and custom-houses; opening many new roads in the Territories; the continuation of the Cumberland road; the survey of the coast; more numerous allowances of miscellaneous claims, and the building of branch mints, commenced the present year, though their future support will be a new item of permanent expense. The issue of Virginia land scrip, virtually receivable instead of money for lands, is, in substance, though not in form, another large item; because, though not included in the usual exhibit of expenditures, it has in the last four years exceeded a million of dollars, and will in this and the ensuing year, probably extend to eight hundred thousand more. The items of magnitude in our expenses, which have lately existed, but are now either terminated or suspended, are the building of the Potomac bridge, though its repairs, lighting, and draws, may hereafter be a durable charge; Macadamizing Pennsylvania avenue, and several grants of money for other purposes in the District of Columbia; repairs of the Cumberland road; finishing and enlarging some of the public buildings here; refunding large amounts of duties under former laws; the expenses of the war with the Northwestern Indians in 1833; repayments for advances during the war of 1812; a large reimbursement of the naval pension fund; several special expired appropriations towards naval objects; and almost every thing connected with the public debt. A tabular statement further illustrating many of these changes, as well as others under all the most important heads of expenditure, by exhibiting the sums yearly paid under each material one from 1816 to 1834, inclusive, has been prepared with care, but is so voluminous that it will not be submitted to Congress until some other appropriate occasion.

In the estimates for extraordinary purposes the present year, it will be seen ihat most of the increase is called for by the omission to pass the annual appropriations last year for fortifications, and by the unusually large surplus in the Treasury, which is not wanted for ordinary objects, and which, it is supposed, can be applied usefully to hasten those great improvements connected with our military and naval defences, and which are of a character admitted by all to be national, beneficial, and constitutional. Under our high state of financial prosperity, and reposing in peace, the best period for due preparation for war, the undersigned considers the Treasury in a proper condition to meet any measures which the Executive or the appropriate Departments have recommended for these desirable objects, as well as any similar and additional measures which Congress may be likely to think required by prudent foresight, and a proper regard for national character and safety.

V. *Surplus in the Treasury and disposition of it.*

It has been shown that the available balance in the Treasury over all outstanding appropriations, on the 1st of January, 1836, is estimated at about ten and a half millions; the expenditures for the ensuing year, for all purposes, whether ordinary or extraordinary, enumerated in the schedules at more than twenty-three millions, and the receipts at less than twenty millions. Hence it follows, that, if the appropriations made, and the revenue received in 1836, shall be as large as the estimates and no larger, the nett surplus now applicable to new and other objects will probably, in the course of the ensuing year, become reduced to a sum between six and seven millions. This sum, therefore, would in those events remain on the 1st of January, 1837, at a nett surplus, unexpended and unpledged. Consequently, most of it could now be applied to other purposes, not included in the estimates, and liberally aid in promoting any constitutional objects, which Congress may deem most expedient.

An unprecedented spectacle is thus presented to the world of a Government, not only virtually without any debts, and without any direct taxation, but with about one-fourth of its whole annual expenses defrayed from sales of its own unimcumbered, and immense tracts of public lands, and no resort to even indirect taxation necessary, except for the other three-fourths; and the proceeds of that indirect taxation, though largely and frequently reduced, yet accumulating so fast as to require further legislation to dispose of, or invest a considerable surplus on hand. Whether this state of enviable prosperity be justly attributable to the form of our Government—to the administration of it—to the character of our people—the physical advantages of our country—or to all combined, it is a subject of strong congratulation, and exhibits a very remarkable phenomenon in the history of taxation and finance. Without dwelling on these primary causes of our fortunate condition, or discussing any secondary ones, such as the great demand and reward in this country for either labor or capital, the more appropriate inquiry, under these novel circumstances, and on an occasion like the present, seems to be to discover the most judicious course to pursue in using this surplus, and in preventing or regulating its future accumulation.

The balance now on hand, or anticipated, does not differ so much in amount from that at several prior periods, as to require any extraordinary steps, if the same available mode existed, of employing it legally and beneficially, without new legislation. There were three former years in our history, viz: 1815, '16, and '17, when our balances on hand, on the 1st of January each year, were respectively over 13, 22, and 14 millions of dollars, and in 1833, over 11 millions. But these balances were either unavailable for a time, or, whenever productive, were soon able to be applied in the discharge of the public debt, and thus to prevent longer and larger accumulations, and to save interest. In that way, being reduced from time to time, they at no other period have ever exceeded ten millions, though on four other occasions they have accumulated beyond nine millions. But, happily for the country, it is no longer compelled to part with its resources to discharge heavy burdens, imposed in former times; and in the present prosperous state of our finances, it is respectfully submitted, that, in order to reduce the present surplus, there might be first, and judiciously authorized, for purposes not enumerated in any of the estimates, other beneficial expenditures for objects clearly lawful and useful. Not considering it the province of this Department, in an annual report, to enter into minute details in relation to the selection of those objects, the undersigned would merely advert to a few prominent ones, about which no constitutional difficulties interpose; such as the erection of suitable and necessary buildings for the use of the General Government, whether in this city or the different States, and the earlier commencement of important works contemplated, and the more rapid completion of others already begun, which are essentially connected with the commerce, the navy, or the frontier defences of the country.

Since the general estimates were closed, but appended to them in a note, various additional improvements at the navy yards alone, requiring the appropriation of three and a half millions, have been specified and submitted by the Navy Department, and which, in its opinion, could be now usefully undertaken. If so many works of these descriptions should now be authorized, or hastened by Congress, as were unquestionable in their utility and character, and were likely to be sufficient to absorb the present and anticipated surplus of revenue in the Treasury from ordinary sources, it is hoped that, ere long, additional receipts from our stock in the Bank of the United States, would probably be more than sufficient to ensure their completion. But if the surplus from all sources should hereafter, from any cause, appear likely to become earlier exhausted, some of those works could be suspended, or again, as heretofore, be less rapidly hastened.

If it be not deemed expedient, in this or any other manner, now to appropriate all the present surplus, this Department thinks that the most eligible course concerning any probable residue, after deducting all outstanding appropriatons which may be made, and enough to render our fiscal system efficient, easy, and prompt, would be, that Congress retain such residue under its control, and provide for its investment for a short period as a provident fund, to be ready to meet any contingencies attending the great reduction contemplated in our revenue hereafter; or, in the mean time, to strengthen our financial position under the additional burden of any large claims now pending, which Congress may deem it just to allow, or at any future moment to aid under those inevitable and great fluctuations in revenue and expenditure from which no country is exempt, and which no human sagacity can wholly prevent. For all such occurrences it is often economical, and, especially in our present prosperous condition, with surplus money on hand, it is consistent with a wise foresight and sound political prudence, to be previously and well guarded. Whatever demands on such a fund may occur before 1842, it is certain, under our existing laws, as before explained, that the revenue from customs must then, within a few months, be reduced in the large sum of nearly six millions of dollars. It is further probable that our whole revenue from customs will, by the close of that year, have fallen to only nine millions; and from lands, (for public uses,) have risen not to much above four millions of dollars, both making but thirteen million of dollars, instead of their present annual amount of over twenty. For that great and sudden change, it is very desirable that the country should then be prepared by a diminished expenditure, and a proper surplus on hand, to meet any probable deficiency, so as not to require new or increased taxation to defray the expenses then necessary. It may reasonably be expected, that the Revolutionary pension list will by that time have chiefly disappeared—the Indian titles have been mostly extinguished—our necessary and convenient public buildings throughout the country mostly finished, and our fortifications and navy, if the appropriations in the meantime be liberal, will have been placed in a proper attitude to meet any hostile aggressions without the continuance of extraordinary appropriations. By this system, evincing a just and far-sighted liberality in grants to objects clearly national and necessary, and pursuing a course of rigid economy and due retrenchment, where the great interests of the Union will permit, our expenses, though they must from our rapidly extending population, business, and frontier, increase in some particulars, in nearly a corresponding ratio, and may not, as a whole, become reduced exactly to the amount of revenue received; yet they will, if no unforeseen calamities occur, so nearly approach it, that a surplus of a few millions, duly invested and retained, would doubtless obviate the necessity of a resort then, or soon after, to more taxes.

The investment of this, or any other surplus not soon wanted, could be effected, till wanted, in any mode most agreeable to Congress, in whom the whole power on this subject resides, and without whose express authority nothing can be taken from the Treasury for any purpose whatever. But, as it may not be deemed necessary or expedient soon to resort to any such investment, an explanation at this time of the different modes in which it might be accomplished, with the opinion of the Department on their peculiar merits and demerits, would perhaps be considered useless, and consequently only two general principles will now be proposed, which are respectfully suggested, as proper to have a material bearing on the whole subject. First, that, whatever mode may be adopted, it should conform to the spirit of the act of March, 1817, which has been in successful operation ever since the surpluses became likely to be large and frequent, and which required, before the investment of them in purchase or extinguishment of the public debt, that enough should be left in the Treasury to meet all outstanding appropriations, and two millions more to secure facility and promptitude in its various and distant operations. And, secondly, that, following the analogy of the above act, which separated the investment of any surplus for pecuniary profit entirely from the management of the public deposites and the duties of Deposite Banks, it should leave the Bank agents of the Treasury, as they and all its other fiscal agents, from the foundation of the Government, have been left, wholly disconnected, so far as practicable, in regard to their agencies, with the dangerous relation of borrowers from the Treasury, for reloaning and for private gain. Should either of the above courses not be deemed advisable, so far as to exhaust all the unnecessary surplus on hand, the residue, if not large, could be gradually disposed of by making a further reduction, whenever just and safe, in the revenue hereafter accruing from customs.

To obtain the balance estimated to exist in the Treasury at the end of 1836, the sum of fifteen millions is computed to be received from that source, and chiefly to accrue in the ensuing year; and if a part of it should be considered not desirable for any purposes whatever, it could be much, and perhaps usefully, lessened, by an early diminution of the existing duties on certain articles not supposed to be vitally connected with our domestic manufactures. The most prominent of these articles are Wines and Silks from beyond the Cape of Good Hope. They both yield, in duties, over half a million per annum; or, in 1834, Wines, over $445,000, and India Silks, over $171,000; all of which might well be repealed unless Congress should consider the former a judicious tax on a luxury, and the latter as an encouragement to the domestic product of Silk, which is becoming widely and successfully established; and which, if deemed a proper object of incidental protection by legislation, (contrary to the views lately entertained by Congress,) would require a restoration of the duty on European Silks now entirely free. Other articles could be selected, on which the present duties could be reduced and repealed, at least to the extent of $400,000 annually, without injuring, it is anticipated, any domestic manufactures, or agricultural branch of industry, or impairing the spirit and good faith of the compromise intended by the act of Congress of March 3, 1833, and which the undersigned would most scrupulously preserve unviolated. On this subject a detailed report will soon be presented to the Senate, in conformity to a resolution of that body, passed at the last session. It is his deliberate opinion, that such of those reductions as are deemed permissible, under the above limitations, should now be made; and the balance remaining, if too great for common fiscal purposes, be temporarily and profitably invested, rather than a large surplus should continue to be collected for the express end of being, in any way, finally disposed of, otherwise than by appropriations to useful and constitutional objects.

The people, themselves, it is believed, can best manage all their own money, which they and their representatives think may not be wanted for public purposes, and it would seem to be far preferable to leave it originally in their possession, than to withdraw it for the expensive operation of returning it substantially to the place whence it came, and that, probably, in a manner not conformable to the constitution, till after the delay of procuring an amendment to it, and even then, not expedient, because calculated, injudiciously, to strengthen the General Government, and to render the States more dependent on a great central power for yearly and important resources. Indeed, a reduction in the price of public lands, whose unusually large sales the past year are the source of most of the present surplus, would, if their sales should not thereby be much increased, seem another mode far more natural to obviate the present difficulty. But before adopting it, this and various other considerations must be weighed, and it must be fully considered, whether all the revenue anticipated from them at their present prices, would not be necessary after the great reductions in the tariff, in 1842, and whether a resort to a higher tariff would not then become indispensable, if the average receipts from lands or customs should from any new legislation become then much diminished, below the estimates which have been submitted on the present occasion.

VI. *Deposite Banks and the Currency.*

This Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected Banks, with great ease and economy in all cases, and with greater in some, than at any former period. The transfers of it to every quarter of the country, where it is needed for disbursement, have never been effected with more promptitude, and have been made entirely free of expense to the Treasury. The payments to creditors, officers, and pensioners, have been punctual and convenient, and the whole fiscal operations through the State Banks have as yet proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges, were probably never greater, or at so moderate rates. In the course of this year, additional depositories have been selected in four States, where no new ones before existed, and all the branches of the United States Bank, for some months, have been discontinued for ordinary fiscal purposes. They are, however, still used, as claimed by the Bank, under acts of Congress, for the payment of the outstanding portions of the funded debt, and of invalid and other pensions, prior to 1832, except where the Department has been notified that the Branches were withdrawn, as in New Hampshire, Connecticut, Kentucky, Ohio, Missouri, Western Pennsylvania, Maryland, South Carolina, and the interior of New York. The whole number of selected Banks, without including branches, is thirty-four, being, notwithstanding the addition of four new ones, less by six than last year.

This diminution has been effected by the discontinuance of various old, and to the Treasury, unimportant institutions, employed before 1833, in connection with the United States Bank, and by adding no new ones, except where the public interests seemed to render it imperative or expedient. A great, though not the chief cause of some loss, which formerly happened in the deposites in the State Banks, is believed to have been the multiplication of them to something over one hundred in number. The system is now arranged so as probably to require, hereafter, few changes except in two or three instances, concerning which a correspondence is now pending, unless, as is not anticipated, such onerous conditions should be exacted by Congress, of the present safe and efficient depositories, as to derange the system, induce some of them to withdraw, and compel the Department to intrust the public funds to other agents, less cautious, skilful, and trustworthy. Great care has been exercised in preparing from the last returns made to this Department, and from data since obtained by an extensive correspondence, tabular statements, which show in the most essential particulars, as near the 1st of January, 1835, and as fully as could be obtained, the names and condition of each of the State Banks in the Union, of each of the selected Banks, of the United States Bank, and of all combined. They exhibit further, the capital and situation of all the Banks in each of the large cities in the United States, as well as of all in each State, arranged together for convenience of reference, and the changes which have since happened, in the condition of the Deposite and United States Banks. So far as regards the capital, discounts, &c. of all the State Banks, only the general exhibit of the aggregate results in each State, is now communicated; but in a few days, all the voluminous details on those points will be submitted to the House of Representatives, in compliance with its resolution of the 10th of July, 1832. (H1.)

It will be seen that the situation of the selected Banks, as a whole, bears an enviable comparison with the rest.

In all cases deemed proper, they have given collateral security, and are believed to be entirely safe, to the extent they have been confided in. Their discounts have been, in general, somewhat increased, but, though tempted by the enterprising spirit of the times, not usually increased in a degree disproportioned to all their immediate available means. They have also, in some cases, been able to aid, and have liberally aided, other banking institutions in their neighborhood, by as large and long balances, and other indulgences, as would generally appear to have been sanctioned by correct principles. The names of each, with the amount of money in each belonging to the Treasury, and subject to draft, not only at the commencement of the present year, but at the very last returns received, can be seen in three of the columns of the statement. (H. Nos. 2 & 3.) The distribution of these sums is generally that which has been given to them by circumstances connected with their collection and disbursement. No occasion has arisen, in which the Department felt justified in making transfers of the public money, except from points where it had accumulated in the natural course of collection, much beyond the present and early anticipated wants of the Government in that neighborhood, or in sums not proportioned to the responsibility of the public depositories there, and to points where it either would be better secured, or probably soon be needed for disbursement, or could, from the course of trade and exchange, be more readily applied to any new objects which Congress would be likely soon to sanction. These transfers, when rendered necessary, have been performed in such directions, and so gradually, that, it is believed, they have tended to obviate rather than create any pressure in the money market, and to aid materially the course of business in exchanges, and the other commercial operations of the country.

The Department is aware that, in the present overflowing condition of the Treasury, the regulation of these operations, with the selection and superintendence of the Deposite Banks, is a task of no small difficulty and delicacy, and when governed by a strict and uniform adherence to sound principles, as has been attempted, must necessarily lead to many disappointed applications. But in the absence of that specific legislation on the subject which has been, and still is, earnestly requested—the Department has not hesitated (it is hoped faithfully) to discharge, and frankly to explain the duties, and the high and painful responsibility, which so much discretionary power has imposed.

For various reasons of public importance, it was deemed desirable, and measures have been adopted, and recommendations urged, that the specie in the vaults of a number of selected Banks should be still more increased, in comparison with their issues and deposites, and that a still larger portion of the whole currency of the country, especially for small purposes, should be metallic. In improvement of the currency during the past year, many of the selected Banks have not only continued to obtain and pay, when wanted, to the public creditors, American gold, but have entered into salutary arrangements for the redemption, in our large cities, of most of their bills, which may be received in payment of the public dues. It is hoped, that in the progress of time, these beneficial arrangements may be further extended to most, if not all, of the bills in circulation, of the large institutions, and the introduction of hard money for the ordinary uses of life, be facilitated, by all the Banks ceasing to circulate bills of small denominations. It is gratifying to find, that since the adjournment of Congress, in addition to the States of Pennsylvania, Maryland, Virginia, Georgia, Tennessee, Louisiana, North Carolina, Indiana, and Kentucky, which, before that time, are believed not to have allowed the circulation of bills under five dollars: others, viz: Maine, Connecticut, New York, New Jersey, and Alabama, have united in similar legislative measures, except Connecticut, has, as yet, extended the prohibition to only one and two dollar bills.

In Mississippi and Illinois, it is understood that bills under five dollars have not recently been issued, and Missouri has no bank issuing bills of any denomination. So that more than two-thirds of the States have already usages or laws in existence, on this subject, of a highly salutary tendency. The great benefits which have already resulted to the general condition of the currency where such measures have been tested, besides numerous others to the security of the banks themselves, and to the less moneyed classes of society, detailed in the supplement to the last annual report from this Department, would seem to be a sufficient inducement for similar legislation on this important subject in all the States. In some of them, where no laws have yet been passed to suppress the circulation of small notes, their Deposite Banks have voluntarily entered into arrangements not to issue certain descriptions of them, and most of the Deposite Banks have, in a correspondence with the Department, evinced a willingness to co-operate in the suppression of small notes, whenever the regulation can be made general. The Treasury, so far as seemed practicable and judicious with its present powers, has endeavored to promote so desirable an end, not only by instituting the inquiries in that correspondence, but by instructions to its collecting officers not to receive in payment any bills under five dollars after the 30th of September, 1835, (I). It proposes to go further on this point the ensuing year, so as to prevent the receipt for public dues of all bank notes under ten dollars, unless Congress in the mean time shall adopt some new provisions on this subject, similar, it is hoped, to what previously have been, and still are, urged by this Department, not only as to the Deposite Banks, and the kind of bills received for the revenue, but as to the suppression entirely in the District of Columbia of the circulation of any bank notes under ten dollars in amount.

The means for a sound currency in this country are at present ample. Within the last two years, or from October 1st, 1833, to November 1st, 1835, in addition to the former stock of specie, there has been imported into the United States, beyond the exports from it, with a due allowance for what does not appear on the Custom House books, more than twenty-seven millions; and the produce of our own mines within that period is estimated to have been over three millions. Hence the whole amount of specie now in the country probably exceeds the sum of sixty-four millions, and the means of the community to obtain more from abroad, to meet any contemplated changes in the character of our currency, were never greater. The actual amount of specie returned, and estimated as belonging to all the Banks in the United States, about the 1st of January, 1835, was near forty-four millions. As a portion of that may have been bullion, a sum quite equalling, if not exceeding the remainder of twenty millions probably consists of the amount of specie in active circulation, which has been somewhat increased throughout the country during the last two years, so that if the remaining small bills in circulation under five dollars in the whole Union, which are chiefly in seven States, and which probably do not exceed six or seven millions, were withdrawn, it would not require, to supply their places, one-third of the addition which has been made in the last two years to the national stock of the precious metals. The specie on hand in banks will in this way, as it ought, soon bear a larger proportion to their notes in circulation, and the security and real usefulness of all banking institutions to the community be thus greatly augmented. The specie in active circulation, thus increased by excluding small notes, will constitute, while retained in the country, a great and safe reliance for banks to depend on, (beside what belongs to them in their vaults,) whenever an unfavorable course of exchange abroad, or a panic at home, should cause an unusual demand for specie to be shipped abroad, to meet a balance of trade against us, or to be used in circulation at home, by those whose confidence, from real or imaginary causes, may for a time become diminished in the security of banks. When the further suppression of small notes, extending to all under ten dollars in amount, shall be deemed advisable by Congress and the States, no doubt is entertained that sufficient specie can and will be readily found to supply their place, in connexion with what now exists in the country. The proportion of specie to bank notes in circulation will not then be so great as it is in all the most commercial nations in Europe. (See Table of Circulation, in Sup. Rept. 1834.) How much further it may be deemed feasible to go, with a fair prospect of advantage to the community and our currency, can be better settled at that time than the present.

Under its new valuation, the coinage of gold at the mint from the 1st of August, 1834, to the 1st of November, 1835, has been $5,471,505, or over treble the amount supposed to have been coined in any previous period of similar length. The ratio has been somewhat lessened the last six months by several causes, of which an important one has been the desire to provide more quarter eagles, and a full supply of silver change to meet the increasing demand in several States from the withdrawal of small notes from circulation. The coinage of silver has been extended in the first eight months of this year to over eight and a third millions of pieces, which is believed to be much beyond the number in the same portion of any preceding year. The building of the three branch mints, and the procuring of their appropriate machinery, authorized by the act of the 3d of March last, was devolved by the President of the United States on this Department, and has been prosecuted with all practicable despatch.

The estimates and views of the Director on that subject, as well as on other improvements connected with this important and increasing establishment, will, with its whole operations, the current year, and the details on the progress made in the new buildings and machinery, be seasonably presented in a separate communication; and this Department does not, on this occasion, deem it necessary to invite special attention to any thing further connected with either the Mint or our coinage, except the several recommendations relating to them, which were contained in its last annual report.

The same reasons then assigned for closing, by a special act of Congress, the concerns of the sinking fund, and of the connexion of the Government, after the 3d of March next, with the United States Bank, on the subject of both the national debt and of pensions allowed previous to 1832, apply now with increased force. It is considered that nothing need be added to the suggestions then made on these points, or on the subject of the seizure of the dividends due the United States by the Bank for its claim for damages on what is called the bill of exchange on the Government of France.

As Congress has never yet given its sanction to that claim, or made any appropriation for its payment, it is very desirable that, in its final proceedings concerning the affairs of the Government with the Bank, some special direction should be included on that subject, as well as on the reports to be required, and agency exercised over the interests of the United States in the Bank the ensuing two years, by any public officer. A direction seems proper also, as in 1812, concerning the receipt of the bills of the Bank for public dues, after the 3d of March next; and on the disposition or investment of the interest of the United States in its capital stock, whenever paid over to the Treasury. Some explicit action of Congress on the subject of the above claim for damages, is very desirable in another view, so as to enable this Department, in case of the receipt of any part of the French indemnity, to decide correctly whether the dividends seized by the Bank should, in any event, be considered the loss of the United States; or should be deducted from the amount received for the claimants under the treaty, in whose behalf the business was transacting, in which the demand for damages originated, and to whose credit the present act of Congress requires shall be paid into the Treasury only "the nett proceeds" of each instalment.

VII. *Miscellaneous subjects.*

In the course of the past year, the Department has, at various ports, discontinued, as not necessary, fourteen custom-house officers, and at others reduced the compensation of a few. This has enabled it to augment the number and compensation at some other points, where the increase of business appeared to demand it, though not, in all places, to the extent desired. From the diminished temptation to smuggling, under our reduced tariff, this Department has felt justified in lessening the number of revenue cutters two, or one-tenth of the whole; the number of boats three, and the number of officers and men over fifty, making hereafter an annual saving in these respects, of about $20,000. After full inquiry, all has been effected on this subject which the public interests appear now to justify, the expenses of collection in this and other particulars should be considered in reference to the *gross*, and not as is sometimes inadvertently done, the *nett* revenue; the former being the amount which the custom-house establishment must actually assess, and the difference between them being in part paid out for other objects than the mere expenses of collection; such as bounties on the fisheries, and refunding of duties. In deciding on the reasonableness of those expenses, it must be manifest that a certain number of officers, cutters, boats, &c. equal to the collection of a large sum, cannot be dispensed with, at many places, if any revenue, however small, is to be collected; else there would be no adequate security against illicit trade, and no means of furnishing proper entries, clearances, and other papers, to those engaged in navigation, though their trade may be almost exclusively in the present large amount of free goods, or in our widely extended coasting business.

In computing the rate per cent. for collecting the revenue, it must also be remembered that the rate is larger, as the amount collected diminishes, and smaller as it increases, though the whole actual expense of collection per annum remains the same. Furthermore, the necessary cost of collecting thirty millions of dollars at the same ports obviously need be but little more than to collect half that sum, though the per centage, in one case, will be double what it is in the other. This Department, since the reduction of the whole duties to be collected in 1833, and the corresponding decrease in the inducements to smuggle, has endeavored to reduce the whole actual expenses, and has, in some degree, been successful, though the whole cost of collection may still constitute a larger per centage than at some former periods, as the whole amount of revenue is so much lessened.

Thus, from 1790 to 1704, that cost, though small in itself, rose, in some of those years, to more than 5 1-2 per cent. on a small revenue, or to about the same as in 1833 and '34, and which is quite 2 per cent. lower than the average in England, and 4 per cent. lower than in France. But, in most intermediate years, for reasons before stated, and others too obvious for recital, the cost of collecting our revenue from customs, as well as lands, has seldom exceeded 3 1-2 per cent. and from the latter is now probably not half that rate. Besides the explanations already given on this subject, it is hoped that the new expenses will ere long cease, which have recently been imposed on the collection of the revenue, by the necessary preparations for making, and the actual manufacture of useful and important standard weights and measures, and uniform sets thereof, for all the custom-houses in the United States.

In addition to the recommendations in the last annual report as to light houses, it may be observed that this Department, during the recess of Congress, deemed it proper to cause a thorough inquiry to be instituted into the whole subject. The inquiry extended to the propriety of discontinuing any of the present light-houses, or of building others; the expediency of changing the height or material of any of these edifices; the best manner of lighting them, in respect to the kind or number of lamps or reflectors; the various substances used, and most suitable to give the best light at the smallest expense; and, in fine, the economy of managing the whole establishment. With this was combined a system of uniform instructious to the light-house keepers, for the discharge of their public duties. The report of the Fifth Auditor, and the correspondence growing out of this inquiry, develop some interesting facts, and the whole proceedings will, with pleasure, be laid before Congress on some other appropriate opportunity.

The report of the Commissioner of the General Land Office is accompanied by so many long and important documents, that it is herewith submitted in a separate communication. Beside the remarks made a year since by this Department, on the rapid increase of duties in that bureau, and the corresponding necessity for an increase of clerks to dispose of it promptly and correctly, the experience of the present year has, by the vast sales of lands which have occurred, added new force to all that was then urged. Taking either the number of acres sold, or the amount of money received as a guide, it will be seen by the table (F) that the business has more than doubled within the past five years.

The recommendations contained in the Commissioner's report will, it is hoped, receive that early and grave attention which the convenience and interests of the whole country, and especially of the southwest and west, seem imperiously to require. As a subject of retrenchment, connected with this bureau, where the character of the business will permit, it is suggested to Congress, whether it might not be advisable to discontinue the offices in a few districts, and annex them to the adjoining ones, on the ground that the public sales recently made at them, or anticipated hereafter, are not sufficient to justify the expense of continuing them as distinct offices.

Several other subjects suggested for consideration to the last Congress, and not finally acted upon, are again respectfully urged on its attention, without going into a repetition of the views then submitted in relation to them.

Among the principal were, the change in the commencement of the fiscal year; a re-organization of the Treasury Department, especially to increase some of its checks; further control over some of its discretionary powers, by more specific regulations as to the Deposite Banks, and the keeping and disbursing of the public money—the revision of the laws as to the Marine Hospital fund—re-building the Treasury Offices—legislation on the provisoes in the act of July 14, 1832, and other points to enforce the spirit of the present tariff—and making new provisions on the number and compensation of Custom-house Officers. In the report and bill connected with this last matter, were included several suggestions for further changes in the present system for collecting our Revenue from Customs, to which, on some future occasion, will be subjoined such as have since occurred, from additional experience and inquiries.

Various other subjects, specially devolved on the Head of this Department, have received the attention and labor which they appeared to deserve; but from the length to which this Report has already extended, the proceedings in relation to them will, at an early day, be separately communicated to Congress.

All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

To the Hon. James K. Polk,
Speaker of the House of Representatives.

REPORT FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE.

General Land Office,
December 5, 1835.

Sir: I have the honor herewith to transmit statements exhibiting the operations of the several Land Offices during the year 1834, and the first, second, and third quarters of the year 1835, indicating the quantity of land sold—the amount of cash and scrip received in payment therefor—the amount of incidental expenses—and the amount of moneys paid into the Treasury by the receivers of public money during the said periods.

There are also herewith transmitted copies of the estimates of appropriations required by this branch of the public service during the ensuing year.

In estimating the expenses of the General Land Office proper, upon the present establishment, the Commissioner must be ruled by the organization contemplated and provided for by the act of the 25th April, 1812, and of the 2d of March, 1827—a scheme devised in inexperience, and obviously incompetent to the despatch of the increasing business, apart from the accumulated load of arrears, and incapable of discharging all the obligations which good faith and good policy impose upon the Government, in the operation of its land system.

For some years past, Congress has partially complied with the urgent requests of the office for more clerical aid, and by temporary appropriations for extra clerk hire for writing of patents, &c., has afforded sensible relief; but considering, as I do, that the continuation of such temporary appropriations for the ensuing year, even to a much greater amount, would form but an imperfect and exceptionable substitute for the organic system upon which this branch of the public service ought to be established, in order to secure the correctness, economy, and expedition in the administration of its concerns, demanded by exigencies derived from the past, and becoming more pressing with the augmenting sales, and the increasing perplexity in which time involves the private land claims of thirty years' standing, from which the attention of the Commissioner has, unavoidably, been too much diverted, I respectfully invite your attention to the expediency of a reform.

The estimate for additional clerks, now offered, is indispensable, so long as the Legislature may choose to adhere to the measure of regular force prescribed by the 6th section of the act of 2d March, 1827; but I cannot refrain from indulging a strong hope that Congress, perceiving the insufficiency of such temporary expedients, will substitute, in the course of the coming session, a scheme better suited to the weight of the circumstances that press upon and overburden the office; and I very respectfully suggest, that the attention of Congress be requested to measures that may place this institution in the condition of efficiency required by the public interests, as well as by justice to a great portion of the population of our country, whose interests are intimately connected with the prompt and correct execution of the duties imposed by law upon the General Land Office. I beg leave, moreover, to observe, that the impolicy of extra appropriations for specific services in the office, is found in the fact that it has been impracticable, from the nature of the duties, to restrict the labors of the clerks employed under such appropriations to the specific heads of service for which such appropriations were made. The circumstances attending the business have been such as always to demand the application of the auxiliary force, according to the pressure of duties, and in view of their comparative importance.

In the representations made by my predecessor in 1833–34, to the Secretary of the Treasury and to Congress, I have not discoverd the least exaggeration of the difficulties under which the General Land Office had labored, and continued to struggle, for want of timely adaptation of plan and means to the current business, and to the arrears postponed by the causes he described, which remain in abeyance, while the progress of time adds to the difficulty of disentangling the most complicated from their embarrassment. This posture of affairs appears to call urgently upon the Legislature to revise the laws fixing the organic principles by which the General Land Office has now to be governed, and enact provisions whereby a more perfect supervision of labor and duty can be practised; responsibility made more sensible in the various branches of this service; and the Commissioner, in a measure, relieved of details that divert his attention from more important affairs, but which cannot be neglected, as they occur, without occasioning delays, and perhaps confusion, in the several bureaux, where justice and expediency would recommend that the relative compensation of the pricipals should bear a proportion to the responsibility incurred, and the abilities, attention, and industry required.

The annual cost of an improved system, equal to the new business constantly occurring, and to bringing up what remains behind, in a reasonable time, would, probably, be greater during a few years than the sum now estimated for the next; yet, in the ultimate result of the experiment, there would be a saving in this respect, it is thought, of several times the difference; a difference of small comparative moment, in calculating the value of reform.

In reference to the estimates for additional clerk hire in the offices of the Surveyors General, I have to make the following remarks. The embarrassments which have existed in those offices have heretofore been fully communicated to Congress in a report, dated 21st January, 1833, under a resolution of the Senate; (printed as Senate document, No. 50, of the second session of the twenty-second Congress;) in consequence whereof, partial appropriations have heretofore been made, to enable those officers to bring up the arrears of work in their respective offices. One principal object of those appropriations, (*as submitted in former estimates*,) is the *transcribing of the field notes* of surveys, with the view of having copies of them filed, and preserved at the seat of Government. Lest this object should not be fully understood, I would briefly remark that "*the field notes*," so called, are, technically, *the surveys*.

The laws in relation to surveying the public lands, by a singular oversight, do not require that copies of the field notes should be multiplied. On the contrary, the existing provisions of law require the Surveyors General to furnish with the township plats, instead of copies of the field notes of survey, a document which is called a "*description*" of the township, indicating the quality of the lands on the sectional lines and between the corner posts, and referring to the character of the corner posts or bearing trees. Such descriptions, however, answer not the same purposes as the field notes, and no protractions can be made from them. The original field notes are filed in the offices of the Surveyors General; no copies of them are extant by law; and if such originals should be lost or destroyed by the burning down of the Surveyors' offices, or otherwise, there would be no record of them in existence, and the loss would be irremediable, unless by re-surveys of the lands, requiring the expenditure of immense sums of money.

The fact that the office of the Surveyor General for Alabama was destroyed by fire many years ago, and with it all the original field books of surveys, of which no transcripts were ordered to be preserved by law, is one of the strongest inducements that could present itself in favor of the additional appropriation for clerk hire in the Surveyors' offices, now submitted with a view to effect that object.

This office was enabled to supply, to a considerable extent, the loss occasioned by the destruction of the Surveyor's office in Alabama, because the Surveyor General, in departing from the custom, had returned the field notes.

The labors in the Surveyors' offices have been greatly increased by the operation of the act of 5th April, 1832, entitled "An act supplementary to the several laws for the sale of public lands," by reason of the new and minute subdivisions of fractional sections necessary to be exhibited on the township plats. Previous thereto, the smallest legal subdivision was the 80 acre tract, (half-quarter section,) made such by a line running North and South. The act referred to confers the additional privilege of locating *quarter-quarters* of sections, the divisional line running east and west restricting the privilege of making those small entries to two quarter-quarter sections by any one purchaser, and to those purchasers only who enter them for cultivation, or for the use of their improvements. To make this law available, it was found necessary to require the Surveyors General not only to exhibit on all future township surveys protracted by them respectively, the minute subdivisions of fractional sections into forty acre lots, as nearly as practicable, (under regulations prescribed by the Department, in pursuance of law,) but also to make new protractions and calculations of the vast number of fractional sections in market, and remaining unsold, at the passage of the act, and to make returns to this office, as well as to the District Land Offices. The maps and diagrams so required have to be prepared in *triplicate*. The magnitude of this work, and the pressing demands made by purchasers for the receipt of those returns of subdivision at the several Land Offices, have, as may be inferred, (in the midst of the increasing demand for new lands to be brought into market,) greatly encroached on the time which otherwise would have been devoted to the bringing up of the old arrears, and transcribing the field notes. Hence, it has been frequently found necessary to apply the whole force in the Surveyors' offices to the current business, as the exigencies of the public service have from time to time imperatively demanded, to the delay of those special objects for which the additional appropriations were required.

The propriety of making an allowance to the Surveyors General for *office-rent and fuel*, is respectfully submitted. The want of ample accommodations for the clerks allowed them by law, of necessity tends to retard the progress of those important objects for which the appropriations of clerk hire have been made. The officer is now personally charged with all expenses of house rent and fuel for his clerks in the public service, and his emoluments not increasing by commissions and fees, (as those of the Registers and Receivers, in a given proportion to the amount of their business,) it is certainly an evil that the appropriation of increased force in aid of the public service has the direct effect to diminish his own emoluments by the expenses attending the accommodations he has to provide for his clerks. In view of all these circumstances, I beg leave to present the estimate of appropriation for two thousand one hundred dollars for office rent and fuel at the Surveyors' offices.

To show the progress of the public surveys and the fields of operation that may be expected to be occupied by the surveyors during the ensuing year, I have deemed it proper to submit herewith such reports of the Surveyors General, together with their respective estimates, as this office is at present enabled to furnish.

IN OHIO.

The whole of the lands in this State which have been ceded to the United States have been surveyed, and, with the exception of some small former Indian reservations, have been offered at public sale.

IN INDIANA.

In this State all the lands which have been ceded have been surveyed; but about ninety townships and fractional townships have not been proclaimed for sale. They will, however, be brought into market early next season.

IN THE PENINSULA OF MICHIGAN.

In this part of the Territory nearly all the ceded lands have been surveyed and brought into market. The unsurveyed portion is principally situated in the neighborhood of Saginaw Bay, and, should the interests of the public and of the settlers render it expedient, a portion thereof will be surveyed and placed in market before the close of 1836.

IN MICHIGAN, WEST OF LAKE MICHIGAN.

In this section of the Territory, the whole of the lands within the Wisconsin land district, have been surveyed; and in addition to the surveys within the Green Bay district which have been proclaimed for sale, the office is advised of the survey of about sixty-five townships and fractional townships in that district, which have not yet been proclaimed, but which can be brought into market early in the next year if required.

The united nation of the Chippewa, Ottawa, and Pottawatamie Indians having, by the treaty of 1833 and 1834, ceded to the United States the lands in Illinois and Michigan west of and between the lake and the lands previously ceded by the Winnebago and other Indians, the Surveyor General was instructed, in August last, to have that portion of the cession situate in Michigan run off into townships; and since that time he has been instructed to have those townships subdivided. The survey of this cession and of some of the adjoining townships, in the previous cessions, will not only complete the surveys in this district, but of all the lands between Lake Michigan and the Mississippi which have been ceded to the Government.

IN ILLINOIS.

In this State the office is advised of the survey of ninety-eight townships, and fractional townships, embracing the whole of the Pottawatamie cession of 20th October, 1823, and such portions of the adjacent cessions as had not been surveyed, thus completing the surveys in the Danville district, and in the southern part of the Chicago district. The whole of these surveys can be brought into market during the next spring.

In the Northwestern land district, the Surveyor General has contracted for the survey of all the lands north of the old Indian boundary, and west of the extension of the third principal meridian, into townships, and for the subdivision of a portion of those townships into sections; and although the office is not advised of the number of townships which will be prepared for market in that part of the district during the next year, yet it may be safely calculated that sufficient progress will have been made to admit of one or more public sales. Instructions were given to the surveyor general, in August last, to have that portion of the lands ceded by the treaty of 1833 and 1834 with the Chippewa, Ottawa, and Pattawatamie Indians, which is situated in Illinois, run off into townships, and he has been since directed to subdivide those townships into sections, preparatory to their being brought into market.

An appropriation of $500 having been made at the last session of Congress for surveying the confirmed lots at Peoria, the necessary instructions were given to the surveyor general to carry the act into effect.

IN MISSOURI.

In the northern part of this State the office is advised that the surveyor general has contracted for the survey of the exterior lines of about 138 townships, and for the subdivision of 30 of those townships. The surveyor general has also informed the office of his having contracted for running the exterior lines of about 189 townships, principally upon the waters of the Osage and Grand rivers, and adjoining the surveys already made.

An appropriation of $20,000 having been made in 1834 for surveys in the southwest part of the State, the surveyor general has been engaged in executing surveys in that section of the State, and the whole of the amount appropriated for that object has been remitted to him for their payment; but as yet it is not in the power of this office to say what number of townships have been surveyed, or state the precise time when they can be brought into market, although it is confidently expected that the wishes of the settlers will be complied with by proclaiming some of those lands during the next season.

IN THE STATE OF LOUISIANA.

The information derived from the surveyor general enables me to say that, by the middle of March next, there will be about 248 townships and fractional townships surveyed and returned, which have not been proclaimed for sale. Some of these townships would have been offered during the present year, if the land offices had not been again opened by the act of the 6th of February last, for the investigation and decision of the private claims to land in that State, and the consequent apprehension that difficulties might arise from offering those lands for sale during the period in which individuals are allowed to bring forward their claims. If, however, the office can satisfactorily ascertain that any portion of those lands can be offered without the risk of interfering with such alleged claims, such lands will be brought into market during the next year.

IN MISSISSIPPI.

The office of the surveyor for the public lands in this State having necessarily been closed since the termination of the last session of Congress, no surveys are known to have been made during the present season. It is estimated, however, that only about 40 townships are now required to be surveyed, to complete the survey of the lands ceded by the Choctaw treaty of 1830.

From the representations which have been made to this office, it is greatly to be apprehended that such numerous errors have been committed, many years ago, in locating and surveying the confirmed private claims in that part of the Augusta district south of the 31st degree of latitude, as to render it indispensably necessary that the subject should be examined by the land officers and the surveyor general, in order that the nature and extent of those errors might be correctly ascertained; and instructions had been given to them in relation thereto, when the closing of the surveyor's office prevented any progress being made in such examination. Whenever the office is filled, the surveyor general will be required to go on with the examination.

In that part of the State included in the limits of the Chickasaw cession of 1832, and where the operations are carried on under the directions of a surveyor general specially provided for by the treaty, it is believed that almost the whole of the operations in the field will be completed during the present season, with the exception of some townships in the Mississippi swamp, and of such of the lands bordering on the line between that cession and the Choctaw cession of 1830 as could not be surveyed in consequence of that line not being run and marked; but as the surveyor general has been advised of the course of the line, and directed to have it surveyed, it may be expected that the whole surveys will be completed during the next year.

IN ALABAMA.

In this State all the ceded lands, with the exception of some townships south of the 31st degree, and of some bordering upon the undecided boundary between this State and the State of Georgia, have been surveyed.

Owing to the complaints which had been made respecting the surveys of the lots in the city of Mobile, and of the claims adjacent thereto, and in consequence of the great value of the property in question, it was thought advisable that the surveyor general should personally examine the subject, and have the surveys corrected under his own immediate superintendence; and he therefore devoted a part of the last winter and spring to the accomplishment of that duty, which it is hoped has now been correctly and satisfactorily performed.

IN FLORIDA.

The surveys of the public lands in West Florida having been almost entirely completed, the attention of the surveyor general, for the last year, has been principally directed to the extension of those in the peninsula and along the Atlantic border of East Florida; but, in consequence of the nature of the country on each side of the tract formerly reserved for the Seminole Indians, but which was ceded to the United States by the treaty of the 9th May, 1832, it has been thought advisable to suspend the extension of the surveys in that section of the country until the Indians shall be removed under the provisions of the treaty. This suspension will not, however, cause any inconvenience to the public, as it will enable the surveyor general to prepare for market those surveys which have already been made, and which the reported sickness of his clerks, and want of aid in his office, have heretofore prevented him from doing.

During the last season, a survey of the confirmed claims, and of the public property in the city of St. Augustine, was made under the provisions of the act of the 28th June, 1832.

IN ARKANSAS.

By information received from the surveyor general, it appears that about 85 townships and fractional townships have been surveyed, of which the plats have not been received at this office; and that about 64 townships and fractional townships were under contract for subdivision into sections. Some of these lands will be offered for sale during the next year.

Not only as showing the nature of the work contemplated to be performed during the next season in the different districts, and for which appropriations are now asked, but also the manner in which it has been found absolutely necessary to apply the appropriations heretofore made for extra aid in the offices of the surveyors general, I beg leave to refer to the accompanying reports from those officers.

The paper marked G, herewith transmitted, is a statement showing the amount of forfeited land stock issued and surrendered at the United States land offices to the 30th September, 1835; also, the amount of military land scrip surrendered to the same period.

The paper H is an exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, and showing the balance of cash in the receivers' hands at the date of the last monthly accounts current, and the period to which the receivers' quarterly accounts have been rendered.

The act of Congress of 3d March last, 2d section, appropriates an additional quantity of land for the satisfaction of warrants granted by the State of Virginia to the officers, soldiers, sailors, and marines of her State and continental establishments during the revolutionary war, to the amount of 650,000 acres, and provided that if, on the 1st September, 1835, the amount of warrants filed should exceed the amount of land so appropriated, the Commissioner should apportion the said six hundred and fifty thousand acres of land among the warrants "which may be then on file, in full satisfaction thereof."

The amount of warrants filed on 1st September last so far exceeded the quantity of land appropriated by the law as to require the deduction of ten per cent. from the nominal amount of each warrant; the scrip has been ordered to be prepared acordingly, and considerable progress has been made in the issue.

I have the honor to be, sir, with great respect, your obedient servant,

ETHAN A. BROWN.

The Hon. Levi Woodbury,
Secretary of the Treasury.

A.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses and payments into the Treasury, on account of public lands, during the year 1834.

Land offices.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Amount paid into the Treasury from 1st Jan. to 31st Dec. 1834.
	Acres.	Purchase money.		Forfeited land stock	Military land scrip.			
OHIO.								
Marietta, -	11,997 52	$16,995 64	$16,995 64	-	-	$16,995 64	$1,381 40	$10,615 99
Zanesville, -	33,877 23	42,346 53	26,791 38	1,380 31	14,174 84	42,346 53	2,108 38	21,725 61
Steubenville,	4,349 19	5,436 49	4,879 07	382 49	174 93	5,436 49	1,299 58	3,500 00
Chilicothe, -	21,309 32	26,636 58	14,995 66	228 01	11,412 91	26,636 58	1,847 41	15,077 89
Cincinnati, -	27,369 52	34,211 90	28,207 14	5,654 76	350 00	34,211 90	3,070 24	25,384 48
Wooster, -	9,448 77	11,810 96	11,540 86	70 10	200 00	11,810 96	1,413 89	11,887 68
Wapaghkonetta	125,417 13	156,770 26	142,347 61	1,410 15	13,012 50	156,770 26	4,831 88	135,415 75
Bucyrus, -	245,078 56	306,353 39	266,725 66	1,181 60	38,446 13	306,353 39	7,080 35	247,787 10
Total for State,	478,847 24	600,561 75	512,483 02	10,307 42	77,771 31	600,561 75	23,033 13	471,394 50
INDIANA.								
Jeffersonville,	67,826 11	$84,783 24	$73,845 50	1,528 21	$9,409 53	$84,783 24	$3,982 16	$70,867 05
Vincennes, -	56,765 80	70,957 65	70,083 89	823 76	50 00	70,957 65	3 439 63	78,760 14
Indianapolis, -	204,526 63	255,657 58	209,540 49	-	46,117 09	255,657 58	6,682 02	208,129 41
Crawfordsville,	161,477 87	201,947 10	201,380 88	16 22	550 00	201,947 10	6,470 65	201,032 37
Fort Wayne,	96,350 30	120,438 11	116,679 77	100 01	3,658 33	120,438 11	4,271 12	109,686 19
La Porte, -	86,709 73	108,387 16	107,350 50	-	1,036 66	108,387 16	4,040 95	101,109 16
Total for State,	673,656 44	842,170 84	778,881 03	2,468 20	60,821 61	842,170 84	28,886 53	769,584 32
ILLINOIS.								
Shawneetown,	6,904 24	$8,633 19	$7,457 22	$665 14	$510 83	$8,633 19	1,258 05	14,455 00
Kaskaskia, -	15,196 52	18,996 61	18,967 74	28 87	-	18,996 61	1,426 99	13,991 72
Edwardsville,	124,302 19	155,377 76	150,821 09	506 67	4,050 00	155,377 76	4,701 30	144,565 00
Vandalia, -	20,207 61	25,620 84	23,802 42	118 09	1,700 33	25,620 84	1,576 02	15,000 00
Palestine, -	22,135 69	27,669 57	27,669 57	-	-	27,669 57	1,666 64	20,963 25
Springfield, -	66,804 25	83,515 22	74,546 89	240 00	8,728 33	83,515 22	3,071 50	85,581 08
Danville, -	52,331 38	74,606 97	74,026 97	80 00	500 00	74,606 97	3,354 57	65,402 51
Quincy, -	36,131 59	45,193 66	44,693 66	-	500 00	45,193 66	2,354 30	42,512 12
Total for State,	354,013 47	439,613 82	421,985 56	1,638 77	15,989 49	439,613 82	19,409 37	402,470 68
MISSOURI.								
St. Louis, -	43,634 68	$54,543 55	$53,510 74	1,032 81	-	$54,543 55	$2,246 87	$50,173 77
Fayette, -	71,049 74	89,259 33	89,259 33	-	-	89,259 33	2,431 73	42,993 71
Palmyra, -	76,241 35	96,317 66	96,317 66	-	-	96,317 66	3,284 78	80,539 92
Jackson, -	18,882 11	24,928 23	24,928 23	-	-	24,928 23	1,535 90	21,500 00
Lexington, -	43,983 80	55,929 85	55,929 85	-	-	55,929 85	2,324 18	49,740 23
Total for State,	253,791 70	320,978 62	319,945 81	1,032 81	-	320,978 62	11,823 46	244,947 63
ALABAMA.								
St. Stephen's,	22,318 76	$27,899 14	$25,885 12	2,014 02	-	$27,899 14	$1,825 34	$35,819 66
Cahaba, -	202,578 34	253,403 79	252,554 82	848 97	-	253,403 79	6,520 15	199,730 04

STATEMENT A—Continued.

Land offices.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Amount paid into the Treasury from 1st Jan. to 31st Dec. 1834.
	Acres.	Purchase money.		Forfeited land stock	Military land scrip.			
ALABAMA.								
Huntsville, -	$25,705 65	$35,579 65	$33,807 38	1,772 27	-	$35,579 65	$2,658 10	$38,255 00
Tuscaloosa, -	240,239 13	331,061 36	330,411 18	650 18	-	331,061 36	6,991 88	256,300 00
Sparta, -	9,485 26	11,973 71	11,973 71	-	-	11,973 71	1,233 08	15,283 49
Demopolis, -	385,296 13	526,331 93	524,183 00	2,148 93	-	526,331 93	7,162 15	250,706 37
Montgomery,	78,735 62	104,808 19	104,808 19	-	-	104,808 19	4,842 62	61,600 00
Mardisville, -	108,098 74	153,241 54	152,113 03	1,128 51	-	153,241 54	6,249 84	145,462 00
Total for State,	1,072,457 63	1,444,299 31	1,435,736 43	8,562 88	-	1,444,299 31	37,493 16	1,003,156 56
MISSISSIPPI.								
Washington,	32,511 19	$40,674 27	$39,787 92	-	$882 65	$40,674 27	$2,037 68	$41,414 54
Augusta, -	39,831 11	49,788 17	49,788 17	-	-	49,788 17	2,516 83	51,190 00
Mount Salus,	393,920 28	498,156 54	495,912 32	1,903 33	344 59	498,156 54	10,924 61	659,063 46
Columbus, -	530,567 37	791,916 69	791,916 69	-	-	791,916 69	7,128 17	335,268 36
Chocchuma, -	67,224 96	89,787 73	89,787 73	-	-	89,787 73	3,785 65	102,292 56
Total for State,	1,064,054 91	1,470,323 40	1,467,192 83	1,903 33	1,227 24	1,470,323 40	26,392 94	1,189,228 92
LOUISIANA.								
New Orleans,	2,304 86	$2,881 10	$2,881 10	-	-	$2,881 10	$1,617 40	
Opelousas, -	15,333 42	19,166 77	19,086 27	$80 50	-	19,166 77	1,126 30	$21,771 07
Ouachita, -	63,257 57	80,671 73	80,671 73	-	-	80,671 73	3,185 13	82,644 51
St. Helena, -	1,675 03	2,093 79	2,093 79	-	-	2,093 79	1,089 06	1,900 00
Total for State,	82,570 88	104,813 39	104,732 89	80 50	-	104,813 39	7,017 89	106,315 58
MICHIGAN.								
Detroit, -	136,410 69	$170,524 20	$159,493 35	$222 52	10,808 33	$170,524 20	$4,523 06	$154,876 72
White P. Prairie & Bronson,	128,244 47	160,321 85	160,321 85	-	-	160,321 85	5,104 95	152,775 94
Monroe, -	233,768 30	292,210 26	278,726 94	-	13,483 32	292,210 26	5,195 30	266,000 00
Mineral Point,	14,336 67	20,770 18	20,770 18	-	-	20,770 18	681 95	
Total for Ter.	512,760 13	643,826 49	619,312 32	222 52	24,291 65	643,826 49	15,505 26	573,652 66
ARKANSAS.								
Batesville, -	8,051 31	$10,064 14	$10,064 14	-	-	$10,064 14	$1,682 63	$23,610 00
Little Rock, -	25,799 74	32,249 65	32,249 65	-	-	32,249 65	2,249 25	28,679 86
Washington, -	65,145 88	107,174 94	107,174 94	-	-	107,174 94	2,766 76	14,150 00
Fayetteville,	24,514 94	30,726 19	30,726 19	-	-	30,726 19	2,186 66	10,225 00
Helena, -	26,244 59	32,805 72	32,805 72	-	-	32,805 72	2,448 51	12,000 00
Total for Ter.	149,756 46	213,020 64	213,020 64	-	-	213,020 64	11,333 81	88,664 86
FLORIDA.								
Tallahassee, -	16,309 85	$20,372 78	$20,372 78	-	-	$20,372 78	$1,375 32	$8,184 98
St. Augustine,	-	-	-	-	-	-	130 48	
Total for Ter.	16,309 85	20,372 78	20,372 78	-	-	20,372 78	1,505 80	8,184 98
Grand total, -	4,658,218 71	6,099,981 04	5,893,663 31	26,216 43	180,101 30	6,099,981 04	182,401 35	4,857,600 69

General Land Office, *December 5*, 1835.

ETHAN A. BROWN, *Commissioner.*

B.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses and payments into the Treasury on account of public lands, during the first, second, and third quarters of the year 1835.

Land offices.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Amount paid into the Treasury from 1st Jan. to 30th Sept. 1835.
	Acres.	Purchase money.		Forfeited land stock	Military land scrip.			
OHIO.								
Marietta, -	11,012 98	$13,766 22	$13,500 78	$15 44	$250 00	$13,766 22	$1,108 26	$9,293 01
Zanesville, -	42,978 36	53,722 95	48,845 83	610 45	4,266 67	53,722 95	2,268 53	55,234 73
Steubenville,	3,649 29	4,561 61	4,561 61	-	-	4,561 61	849 54	2,900 00
Chilicothe, -	12,586 87	15,716 17	12,416 61	366 23	2,933 33	15,716 17	1,126 06	10,700 00
Cincinnati, -	20,105 76	25,132 20	19,857 12	4,975 08	300 00	25,132 20	1,772 84	16,839 54
Wooster, -	5,157 68	6,447 10	6,383 10	64 00	-	6,447 10	1,026 50	5,783 18
Wapaghkonetta and Lima,	103,020 23	128,775 29	125,532 93	644 37	2,597 99	128,775 29	5,276 01	136,495 33
Bucyrus, -	154,706 63	193,383 28	187,489 12	-	5,894 16	193,383 28	6,089 90	206,569 83
Total for State,	353,217 80	441,504 82	418,587 10	6,675 57	16,242 15	441,504 82	19,517 64	443,815 62
INDIANA.								
Jeffersonville,	44,634 81	$55,716 32	$53,610 57	$690 20	$1,415 55	$55,716 32	$2,155 77	$46,472 19
Vincennes, -	70,903 62	88,761 35	88,057 28	704 07	-	88,761 35	3,152 59	82,683 55
Indianapolis, -	158,786 68	198,486 76	189,819 65	79 61	8,587 50	198,486 76	5,093 55	202,669 19
Crawfordsville,	108,055 22	135,080 68	134,255 68	-	825 00	135,080 68	4,628 47	137,392 04
Fort Wayne, -	148,864 28	186,089 45	184,814 45	-	1,275 00	186,089 45	4,970 33	121,515 18
La Porte, -	227,702 35	328,343 41	328,043 41	-	300 00	328,343 41	5,395 83	114,627 78
Total for State,	758,946 96	992,477 97	978,601 04	1,473 88	12,403 05	992,477 97	25,396 54	705,359 93
ILLINOIS.								
Shawneetown,	5,754 08	$7,109 69	$6,949 69	$160 00	-	$7,109 69	$771 88	$4,650 00
Kaskaskia, -	13,814 38	17,279 72	16,556 32	723 40	-	17,279 72	1,166 12	19,241 00
Edwardsville,	123,638 07	154,602 85	152,777 30	54 72	$1,770 83	154,602 85	5,421 27	217,885 00
Vandalia, -	16,253 46	20,430 15	20,236 82	160 00	33 33	20,430 15	1,404 16	34,004 60
Palestine, -	14,088 01	17,541 43	17,491 43	-	50 00	17,541 43	1,646 31	30,333 34
Springfield, -	316,966 70	396,803 86	396,068 30	80 00	655 56	396,803 86	8,037 26	378,615 18
Danville, -	94,491 35	117,615 18	117,415 18	-	200 00	117,615 18	3,862 36	112,369 66
Quincy, -	40,274 58*	52,882 74	52,882 74	-	-	52,882 74	1,034 05	349,189 69
Galena, -	262,152 73†	328,006 83	327,506 83	-	500 00	328,006 83	1,581 69	248,500 00
Chicago, -	333,405 40	459,958 75	459,843 49	15 26	100 00	459,958 75	9,203 48	441,554 74
Total for State,	1,220,838 76	1,572,231 20	1,567,728 10	1,193 38	3,309 72	1,572,231 20	34,128 58	1,836,343 21
MISSOURI.								
St. Louis, -	32,914 57	$41,393 36	$41,143 36	-	$250 00	$41,393 36	$1,620 54	$38,981 88
Fayette, -	55,839 58	69,799 87	69,799 87	-	-	69,799 87	2,395 86	59,854 51
Palmyra, -	101,018 00	126,303 08	126,087 00	$16 08	200 00	126,303 08	6,600 41	259,523 27
Jackson, -	28,995 19	36,404 82	36,404 82	-	-	36,404 82	1,799 26	29,500 00
Lexington, -	42,801 45	53,505 93	53,505 93	-	-	53,505 93	2,445 10	49,056 84
Springfield, -	320 00	400 00	400 00	-	-	400 00	276 00	
Total for State,	261,888 79	327,807 06	327,340 98	16 08	450 00	327,807 06	15,137 17	436,916 50
ALABAMA.								
St. Stephen's,	54,126 73	$67,658 63	$67,561 89	$96 74	-	$67,658 63	$2,031 03	$66,680 17
Cahaba, -	252,737 90	316,071 68	315,103 70	967 98	-	316,071 68	5,715 65	323,374 52
Huntsville, -	21,093 94	26,372 27	25,892 76	479 51	-	26,372 27	1,719 46	34,140 00
Tuscaloosa, -	172,397 87	215,506 88	215,506 88	-	-	215,506 88	6,089 00	235,500 00
Sparta, -	11,527 52	15,008 93	15,008 93	-	-	15,008 93	1,124 20	14,217 58
Demopolis, -	343,739 26	430,719 75	430,703 75	16 00	-	430,719 75	8.003 00	676,125 00
Montgomery,	154,007 76	192,703 94	192,703 94	-	-	192,703 94	5,240 35	159,591 23
Mardisville, -	47,457 68	59,322 09	59,322 09	-	-	59,322 09	3,052 56	48,915 00
Total for State,	1,057,098 66	1,323,364 17	1,321,803 94	1,560 23	-	1,323,364 17	32,975 25	1,558,543 50

* Returns received up to 31st May, 1835.

† Returns received up to 31st July, 1835.

STATEMENT B—Continued.

Land offices.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Amount paid into the Treasury from 1st Jan. to 30th Sept. 1835.
	Acres.	Purchase money.		Forfeited land stock	Military land scrip.			
MISSISSIPPI.								
Washington, -	49,733 21	$62,040 66	$61,468 24	$572 42	-	$62,040 66	$2,052 58	$38,482 93
Augusta, -	85,235 50	106,542 98	106,542 98	-	-	106,542 98	2,753 87	79,500 00
Mount Salus,	554,306 44	693,065 46	692,743 43	322 03	-	693,065 46	4,701 17	665,823 21
Chocchuma, -	129,483 42	161,854 55	161,854 55	-	-	161,854 55	4,070 64	101,500 00
Columbus, -	739,606 65	925,381 06	925,232 85	148 21	-	925,381 06	1,133 71	1,300,000 00
Total for State,	1,558,365 22	1,948,884 71	1,947,842 05	1,042 66	-	1,948,884 71	14,711 97	2,185,306 14
LOUISIANA.								
New Orleans,	59,367 44	$74,206 76	$74,206 76	-	-	$74,206 76	$2,222 71	$55,052 66
Opelousas, -	25,936 17	32,420 21	32,420 21	-	-	32,420 21	-	39,604 87
Ouachita, -	73,930 69	92,503 73	92,329 73	$174 00	-	92,503 73	3,493 99	67,400 00
St. Helena, -	13,961 18	18,918 67	18,918 67	-	-	18,918 67	1,137 46	15,000 00
Total for State,	173,195 48	218,049 37	217,875 37	174 00	-	918,049 37	6,854 16	177,057 53
MICHIGAN.								
Detroit, -	213,763 57	$267,171 17	$266,754 59	$361 17	$55 41	267,171 17	11,363 27	$255,390 39
Bronson, -	400,722 48	500,903 07	500,903 07	-	-	500,903 07	6,831 35	392,351 84
Monroe, -	446,631 61	558,289 52	558,289 52	-	-	558,289 52	6,705 91	562,000 00
Mineral Point,	67,052 55	83,835 68	83,835 68	-	-	83,835 68	3,034 68	45,654 40
Green Bay, -	68,365 53	110,583 15	110,583 15	-	-	110,583 15	4,095 15	103,733 05
Total for Ter.	1,196,535 74	1,520,782 59	1,520,366 01	361 17	55 41	1,520,782 59	32,030 36	1,359,129 68
ARKANSAS.								
Batesville, -	2,021 22	$2,526 52	$2,526 52	-	-	$2,526 52	$708 57	
Little Rock, -	22,291 92	27,864 97	27,864 97	-	-	27,864 97	1,181 76	$23,022 84
Washington, -	43,360 81	54,209 44	54,209 44	-	-	54,209 44	4,098 04	152,559 76
Fayetteville, -	8,723 72	10,904 60	10,904 60	-	-	10,904 60	1,920 90	28,539 52
Helena, -	312,169 09	390,596 22	390,596 22	-	-	390,596 22	8,660 10	256,371 66
Total for Ter.	388,566 76	486,101 75	486,101 75	-	-	486,101 75	16,569 37	460,493 78
FLORIDA.								
Tallahassee, - St. Augustine.	30,723 95	$38,279 93	$38,279 93	-	-	$38,279 93	$1,031 00	$3,625 00
Total for Ter.	30,723 95	38,279 93	38,279 93	-	-	38,279 93	1,031 00	3,625 00
Grand total, -	7,999,378 12	8,869,483 57	8,824,526 27	12,496 97	32,460 33	8,869,483 57	198,352 04	9,166,590 89

Treasury Department, General Land Office, *December* 5, 1835.

ETHAN A. BROWN, *Commissioner*.

PUBLIC LANDS.

January 27, 1836.

Mr. Ewing made the following report.

The Committee on Public Lands, to whom was referred a bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States, report:

That they look upon the leading measure proposed by the bill as one of great national importance. The gradual operation of a system, devised in the early history of our Government, for the support of the public credit, and for reducing the public debt, has, within a short time past, produced its full and final effect. The public debt is discharged, and existing commercial regulations, which the condition of our country renders indispensable, together with the sales of the public lands, bring yearly a large surplus fund into the Treasury. This fund, which is no longer taken up in the payment of a national debt, and which still remains unappropriated, has already arisen to the amount of about twenty-four millions of dollars; and as it does not arise from transient causes, it goes on increasing, and must continue to increase. This state of things is not at all desirable. Its natural tendency is to produce extravagance in the appropriation and wastefulness in the expenditure of public money. Indeed, it seems to be conceded by all, that this large surplus ought not to remain and accumulate in the public Treasury; and there have been suggested, as means of lessening the amount and preventing a future accumulation—

First. The reduction of the customs.

Second. Increased expenditures in the navy and fortifications.

Third. A reduction of the price of public lands, and the surrender of large portions of them to the States in which they lie; and,

Lastly, This bill, which proposes to distribute the proceeds of the public lands among the several States, leaving the receipts from customs to defray the ordinary expenses of Government in time of peace.

The first-named measure—a reduction of the customs—cannot be resorted to without awakening feeling dangerous to the peace and harmony of the country. The tariff law now in force is the result of a compromise of the opinions of citizens of different sections of the Union, and ought not to be disturbed, unless a strong political necessity call for its modification. Under this law, or, indeed, any law, keeping up such duties as are necessary for the proper regulation of commerce, it is believed that the customs will produce a revenue at least equal to the ordinary wants of the Government. The surplus, therefore, cannot be reduced by lessening the amount of the customs.

The next measure proposed, is a large increase of appropriations upon our fortifications and navy, so as to absorb the surplus revenue, and at the same time put the country in an attitude of defence in the event of a foreign war. Such increased appropriation, to some extent, is, in the opinion of your committee, necessary and proper. There ought to be dealt out with a liberal hand, all that can be well applied to render the seaboard safe from foreign aggression; but the amount asked by the Executive for both these purposes does not, with the other current expenses of Government, exceed the probable receipts from customs for the ensuing year, if the country be not involved in war. And it is not, in the opinion of your committee, proper that an expenditure should be made in the construction of fortifications or naval armaments for the purpose of exhausting the surplus revenue. If it be, the expenditure of money is made at once the primary object, and the improvement of the national defences but subordinate or auxiliary thereto. This would be true in fact as well as in form. If much money were expended, it would necessarily be applied to little purpose. We might on a sudden emergency, in a short time, by large expenditure, prepare fortifications which would serve the purpose of a temporary defence; but all those substantial works which are to stand as our future and permanent fortresses require time, a selection of materials, and skilful engineers, which it is not in our power to supply much beyond what is necessary in expending judiciously and skilfully our ordinary appropriations. So, also, with respect to the navy.

But to this project there is another and a serious objection. The expenditures in support of the Government are, much the larger portion of them, upon our seacoast, and in our great commercial cities. This proposed extraordinary expenditure would very much increase that amount, and draw to the seacoast other large sums of money which ought properly to have a general distribution over the whole United States. Nor could we expect such a system, if once adopted, to cease, or even to diminish, for ages. No nation was yet ever known voluntarily to lessen its expenditures. If we commence a system of fortifications for the purpose of expending money, chiefly, and but in a secondary degree only, for defences, there will be no limit or end to the means it will furnish us of exhausting our national resources. Hundreds of millions may be expended with a tolerable show of public necessity or convenience, when it is not, on the other hand, deemed necessary to guard and to save the public treasure. It appears clear to your committee, therefore, that an amount of money large enough to exhaust the surplus revenue, could not, at present, be expended in this manner advantageously to the country.

The reducing of the price of the public lands, and ceding them to the States in which they lie, is another mode proposed to lessen the receipts into the Treasury, and thus prevent the influx of a surplus revenue.

Propositions such as these were referred to the Committee on Manufactures, at the first session of the twenty-second Congress, and on the sixteenth of April, eighteen hundred and thirty-two, they presented a detailed report to the Senate, in the general views and reasoning of which your committee concur; and they herewith present the same, and make it a part of their report. That paper, in the opinion of your committee, demonstrates the injustice and impolicy of such a disposition of the national domain; and subsequent experience has confirmed their reasoning.

But other similar propositions, varying from those considered in that report, in some of their features, have been referred to your committee. Among these are—

A proposition to graduate the price of the public lands according to quality; and

To grant the lands to the States in which they lie, after they shall have been offered for sale for a given time.

To each of these your committee have given a careful consideration.

These propositions appear to be suggested for the benefit of the States in which the public lands are situated; for it is easy to prove that the interests of the United States, as the great landed proprietor, would not be subserved by either of them. The graduation of the price of the public lands is in nowise necessary or expedient, as a measure to effect their sale. Lands which have been long in market become surrounded by settlements. If they be hilly, they become valuable for their timber and stone, and other mineral productions. If swampy, or barren, they form a convenient appendage to neighboring farms for pasturage; and if not worth entering at the minimum price for any of these purposes, the public suffers no loss in permitting them to remain open and unappropriated.

Experience has fully shown, that the rise in the value of the public lands increases in proportion to the time that it is in market, or, rather, to the number of the sales and density of the settlement near and around it. This fact is strongly illustrated by a reference to the sales of the public lands at the several land offices for a series of years. By this it will be seen that a larger per centum of the lands actually in market at private sale, has generally sold at the old than at the new offices, and that per centum has generally increased in proportion to the time the lands have been in market. It is a remarkable fact, bearing upon this proposition, that in no State or Territory has the sales of public lands at private sale been so great, in proportion to the quantity in market, within the last five years, as in Ohio, in which State the public lands have been longest exposed to sale.

Your committee are also of opinion, that such graduation or reduction in the price of the public lands would operate to the injury, and not the benefit, of the section of country in which such lands lie. If the amount of public land the price of which was thus reduced, be great, its first and immediate effect would be to reduce the value of all the lands in its vicinity, *pro rata* with the reduction of the public lands. To those who were full handed, and able to make large purchases, it might open a fine field for speculation, and profitable investment of capital; and if the price were reduced low, so as to make it an object with the capitalist, the public lands would be purchased up at once, on speculation, and retailed at an advanced price. It would thus cause a fluctuation in the value of land, a fall and a rise in its price, which is ever favorable to the sharp-sighted and sagacious speculator, but inimical to the interests of the agricultural portion of the community. Your committee therefore think, that no interest which ought to be cherished and protected by the Government requires the graduation of the price of the public lands.

The proposition to cede the public lands to the States in which they lie, after they shall have been offered for sale a given number of years, is liable to many and serious objections. This project is, no doubt, well calculated to meet with favor in those States in which there is yet much public land unsold, as it holds out to them an apparent prospect of a vast accession to their resources. But it is, in the opinion of your committee, entirely delusive. The several States which form parties to the national compact have all an equal right to, and an equal interest in, the national domain, and such an application of it to the use of some of the States, which is not just to all, cannot be expected to meet with general favor.

Such a disposition of the public lands would be, indeed, a violation of a solemn contract which was adopted by, and made binding under, the constitution of the United States. The deed of cession of Virginia, by virtue of which we hold by far the largest and most valuable portion of our territory east of the Mississippi river, contains a clause, common to all the cessions of the several States, which provides that, after certain reservations shall have been made, and certain bounties satisfied, that the lands so ceded "shall be considered a common fund for the use and benefit of all of the United States, members of the federal alliance," "and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." This deed of cession was made by Virginia and accepted by Congress prior to the adoption of the constitution. It therefore became and was a compact before the adoption of the constitution, and is referred to and made binding by the first section of the fifth article of that instrument. It is, in the opinion of your committee, too clear to require an argument, that the giving of all the residue of these lands to the States in which they lie, after they shall have been offered for sale for a period of years, will not, if any lands of value remain unsold, be disposing of them *bona fide* for the benefit of all the States, according to the requisition of this solemn compact. The principle on which grants of land have been made to the several States in which the public lands lie, for public works of any kind, is, that the United States, being a large landholder, have, in the management of that property, a right to do what any other landholder, who consulted his own interest, would do—appropriate a portion of his lands, or their proceeds, to open roads and canals, and to construct public works in their neighborhood, so as to enhance their value or bring them sooner to a market. But this proposed gift or cession of the residue of the lands, after they shall have been in market five or ten years, cannot be sustained on that ground. A gift or conveyance of a part, on condition that it be so applied as to make the residue more valuable than the whole would otherwise have been, is a *bona fide* disposition of such part of the fund for the use of all those who are entitled to share in it; but, if we give away the whole residue at any time, when that residue possesses value, we as certainly misapply the fund and abuse the trust; for, in that state of things, nothing remains to be enhanced in value, and the gift is to one State or to a few States—whereas, the trust is for all, and Congress is required to dispose of the land *bona fide* for the benefit of all.

But, if Congress had the right to give the residue of the lands, after they should have been offered for sale five or ten years and still remained unsold, to the States in which they lie, such a disposition of them would be unequal among themselves, and therefore unjust. It would not give them lands in proportion to the population of each, or to the amount that each, or the citizens of each, had paid for lands into the public Treasury. The State of Ohio would receive, on this proposition, certainly less than four millions of acres, (the amount depending upon the time the land should be in market before it be surrendered,) that is, about four acres to each individual in the State, while the public lands in the State of Ohio have brought into the Treasury about seventeen millions of dollars, besides satisfying, to a large amount, the debts of the Government.

Missouri, upon a like mode of distribution or surrender, would have not less than twenty-five millions of acres, or about one hundred and sixty acres to each individual, black and white, according to the census of 1830. Thus, one inhabitant of Missouri would receive a quantity of land equal to what would be received by forty inhabitants of Ohio; and, while the lands in Ohio have brought seventeen millions into the public Treasury, the lands in Missouri have brought in less than three millions. This disparity, therefore, would be very unjust to Ohio, but still more so to the other States of the Union having equal rights, and which, on this principle of surrender, would receive nothing. It cannot, therefore, be expected by any one, however strongly solicitous he may feel for the advancement of the new States, that such a measure will be adopted. Something more equal and more just must be thought of by those who wish to promote their interests and add to their prosperity.

There are other measures proposed which, if adopted, would affect, more or less, the interest of the United States in the public land, by lessening its general value and rendering its management more complicated and difficult. One of the first, and not the least important of these, is the law granting pre-emptions to actual settlers, which was first passed on the 29th day of May, 1830, and which, with some modifications, is still in force. The intent of this law was that of kindness and benevolence. It was enacted for the benefit of the poorer class of citizens, who, having pushed forward beyond the lands offered for sale, settled and improved the public lands, and made themselves a home, with some comforts around them, and had become able, by their industry, to pay for these lands at the minimum price. It seemed hard that these pioneers, who had thus improved the lands by their labor, should be compelled to enter into competition with new adventurers at the sales, and thus pay for improvements which they themselves had made. Such appear to have been the reasons for the enactment of these laws. They provided that, when two individuals cultivated one quarter section of land, each should be entitled to the pre-emption of half the tract so jointly cultivated, and each, also, to a pre-emption of eighty acres any where in the same land district; and, by a supplementary law, the claims were made assignable.

Your committee have satisfactory information that these laws have been the cause of frauds and perjuries, to an amount and number almost incredible. Thousands of pre-emptions have been proved under them, and certificates granted, when the whole case was without the least shadow of foundation. In other cases, the cutting down of a single tree, the marking it with a hatchet, or encamping for the night, has been made the ground of pre-emption claims. In most of the last-named cases, two individuals would together cut down their sapling, or tie each his horse upon the same quarter section of land; this, with the oath founded upon it, which appears to be always according to form, would get for each of the individuals a certificate or warrant, now familiarly called "a float," which they might lay on any of the lands of the United States which was surveyed, and not offered for sale; thus taking, at the minimum price of $1 25 per acre, lands worth, in many instances, more than twenty times that sum. Large companies, it is believed, have been formed, who procure affidavits of improvements to be made, get the warrants issued upon them, and whenever a good tract of land is ready for sale, cover it over with their floats, and thus put down competition. The frauds upon the public within the past year, from this single source, have arisen to many millions of dollars.

Your committee believe that a great error was committed by the passage of these laws, and that no amendment or modification will guard against the mischiefs which they have heretofore produced. Claims of this kind cannot, in the very nature of things, be subjected to judicial investigation; or, if they were, the means of eliciting truth, the confronting of witness against witness by parties, who are stimulated on both sides to the uttermost to rebut and repel, cannot be brought to bear upon the examination of these claims. Hence a few individuals, whose evidence can be purchased with a price, and who can appear under different names at pleasure, may, under the auspices of these laws, divert millions of money from the public Treasury into the coffers of their employers.

The system early adopted for the disposition of the public lands of the United States is admirable, and, in the opinion of your committee, ought not to be broken in upon or departed from. The pre-emption laws have, more than any other cause, tended to unsettle and derange them, and they have thrown upon the General Land Office a mass of labor, most unpleasant in its character, and difficult to be performed. The good which they do bears no comparison to the evil; for every dollar which the poorer settlers save by them, hundreds are lost by the Government; and fraud, and perjury, and unlawful conbination and lawless violence, to put down competition at public sales, have arisen out of their provisions. In the opinion of your committee, they ought to cease.

There are also, connected in some measure with this subject, several bills and memorials referred to your committee, proposing or praying for grants of land for seminaries of learning, for public education, or to aid in constructing works of internal improvement. These are all meritorious objects, and your committee are disposed to give them the most favorable consideration. But there are many difficulties attending the action of Congress on these special subjects. The very great extent of our country, the general feeling that all parts of it have equal rights to the munificence of Congress, the impossibility of determining which, among many institutions in the same State, ought to have such bounty as Congress might be disposed to bestow on objects of this kind, all lead to the conclusion that it were better to put it in the power of the several States to confer these bounties, and select the most worthy objects, than to attempt here to perform that office.

The rapidity with which the public lands now sell, the ease with which they are converted into money, the abundance of money now in the Treasury, and the moral certainty that there will be, for a long time, enough, and more than enough, to meet the current expenses of the Government, have impressed strongly upon your committee the opinion, that it is impolitic and inexpedient to make a donation of land for any object, where a donation of money may be as lawfully made, and will effect the same end. These donations or transfers of land are liable to the objection that they tend more or less to confuse and complicate the land system. They all add something to the duties of the officers of the United States who have charge of the public lands, and they serve to embarrass the purchaser, who has not, as he would without them have, one set, and one only, of land offices to whom he is to resort for the entry of lands. There is another objection. Though it be the fact that a donation of land by law is equivalent to a donation of money, yet we do not always feel it exactly so. There is a natural tendency to consider it more highly than it deserves, and to treat it too highly in legislation.

Your committee, on the whole, believe that it is better, if Congress have the constitutional power, to distribute among the several States, according to their respective rights, the proceeds of the sales of the public lands, allowing the States to use it for any or all of the purposes set forth and recommended in these bills and memorials. But that the lands themselves should not be assigned over, given away, or granted by Congress; that the ancient system of sales should be carefully preserved, and that all the deviations from it, which have caused much waste and confusion, should, as soon as possible, be corrected, and the former order of things fully restored.

The question of constitutional power has occupied the careful and sedulous attention of the committee; and they here present to the Senate the course of reasoning on that subject which they consider sound and just, and which has led them to the conclusion that Congress possesses the power to distribute the proceeds of the public lands according to the principles of this bill.

At the time the deed of cession from Virginia was made and accepted, the Union was held together by the articles of confederation of 1778, which, in its 8th article, provides "that all charges of war and other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States."

The mode of determining the proportion which each of the States shall bear of the public charges is particularly pointed out, and it is there provided that "the taxes for paying that proportion shall be laid and levied by the authority and direction of the several States." To this state of things, existing at the time of the delivery of the Virginia deed of cession, its provisions must necessarily apply. It was to a confederacy of independent States, who kept up a common Treasury out of contributions from each of its several members, according to a determinate regulation, that this deed was made, and after making certain reservations, specially set forth, it declares the trust in the following distinct and unequivocal terms: "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditures, and shall be faithfully and bonafide disposed of for that purpose, and for no other use or purpose whatsoever" If, then, we had still continued, down to the present time, a confederation of States, bound together by the articles of 1778, and if, as is now the case, the public debt were discharged, the public expenses borne by revenues from other quarters, and the public land pouring its millions into the Treasury, what ought Congress, as the trustee of that common fund, to do with it? It is a trust fund, placed in the hands of Congress "for the use and benefit of the several States," and it is to be disposed of "bonafide" for that purpose, "and for no other use or purpose whatsoever." So long as there was a public debt to be paid, this fund was well applied for the common benefit in the payment of that debt, as a debt was a common charge upon all, "according to their usual respective proportions in the public expenditures." And so long as it was necessary for the support of Government, its application to that purpose was right, for the same reason; but when this state of things has ceased, when the proceeds of the public lands are no longer necessary for either of these purposes, what is it the duty of the trustee to do with it, according to the letter and spirit of the deed of trust? And what, were it a case between individuals, would a court of equity compel him to do? The answer is plain and obvious. He not only might pay it, but he would be bound to pay it over to those for whose benefit he held it. If it were not necessary to disburse it for them, he must restore it to them. This, as between individuals, would be a plain case, and your committee cannot perceive how it is varied when applied between States and nations. If, then, we had remained, as we were, members of the old confederation; if the constitution had not intervened, to change, in anywise, the relations of the States to each other, or to the whole, it would have been not only the right but the duty of Congress, pursuant to the spirit of that deed of cession, to have distributed among the several States the proceeds of the sales of the lands contained within the bounds of that grant. The delivery and acceptance of this deed amounted to a contract, and the above is, according to the opinion of your committee, the just construction of that contract.

But the rights and duties of the United States, as a contracting party, are not at all changed by the adoption of the constitution. The 1st section of the 6th article of that instrument provides "that all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation;" so that our rights and our duties, with regard to this trust, are the same precisely that they would have been under the old confederation. All that has been said relative to the deed of cession from Virginia, applies equally to the cessions from the other States, except Georgia, whose deed bears date after the adoption of the federal constitution; but, with this exception, it is in tenor and spirit the same with the deed above considered.

Your committee are hence led to the conclusion, that with respect to the proceeds of all the lands north of the 31st degree of latitude, and east of the Mississippi river, Congress not only has the constitutional power to make the proposed distribution, but it is a duty enjoined on them by a contract which is recognised and adopted by the constitution.

As to the land lying within the bounds of the original purchase of Louisiana and Florida, our right so to apply it rests upon less satisfactory grounds. We have no compact concerning it; no constitutional provision, or any agreement recognised by the constitution, which expressly authorized the purchase of this additional territory, or which places the land so purchased in the same situation with that which was originally transferred to Congress by the States. But the right to acquire the additional territory is no longer an open question. It has been settled, and, by virtue of its adjustment, we have already received into the Union two States, and the prosperity of the whole country has been thereby greatly enhanced. It would seem, that when a large extent of territory was added to that which heretofore belonged to the United States, it ought to be subjected to the same constitutional and legal principles which governed in the disposition and management of the lands which we held at the time of the formation of the constitution. It has been so, strictly, in all things, so far as it related to jurisdiction: it would seem just and reasonable that it should be so as to soil also.

But, in every estimate which has been as yet presented of the costs and the proceeds of the public lands, whether by the Secretary of the Treasury or by committees of Congress, the money paid for Louisiana and Florida has been charged to this fund, and it continues to be so down to the last report of the Secretary of the Treasury, of the 8th of December, 1835. If this be correct, if the public lands have been made the fund out of which this large purchase has been paid, it is in truth but a conversion of the receipts for land into other lands, which would, as a necessary consequence, follow the same law of distribution which applied to the original subject out of which the payments were made. The fact that other great and important advantages were derived to the Union from the purchase of these two Territories, does not at all weaken the force of the argument, but leaves it, in this particular instance, precisely as it would have stood if there had been a purchase of land merely out of the funds arising from the sales of lands; and, by the well-known principles of equity, the trust attends the fund, whensoever invested.

Your committee have not taken into consideration the question whether Congress have power, under the constitution, to distribute a portion of the general revenue among the several States, but have chosen to rest the measure proposed by this bill on its own special grounds.

The expediency of this measure appears from considerations heretofore suggested, nor those alone. The distribution of the proceeds of the public lands among the several States would cause a watchful censorship over this branch of the public revenues, which has fallen into confusion by past negligence and inattention. The representatives in Congress from the several States would be induced, by the interest which their immediate constituents must feel in the subject, to prevent the waste of the public lands as well as of public money, and to watch over the national domain as a matter in which those to whom they are responsible have a direct and immediate interest.

It would withdraw from the Treasury of the United States the surplus revenue, without infringing on the constitution, or touching any of its provisions. The money so withdrawn will be, in effect, restored to the pockets of the people, as it will thus enable the several States to exempt their citizens from a direct and burdensome taxation, which they now of necessity impose to effect those public improvements which the situation of the whole country demands, and which are requisite to the prosperity and advancement of each particular State. So long as the law may be continued in force, it will be a steady, regular, and certain resource for these and like purposes to the several States, nor ought they, nor will they feel that it is a gift gratuitously given and submissively received. If our views of the subject be just, it is, in the present state of the Treasury, their own as a matter of equity, not of mere favor; and State pride would not be humbled, or State independence endangered, by receiving it.

By a provision of the constitution of the United States, the several States are denied the right of laying imposts upon commerce—that easy and indirect mode of raising a revenue which is hardly felt by a people. They are, therefore, generally compelled to resort to direct taxes upon land and goods, and, in the Western States, on land especially, to provide for the wants of Government, and to construct such works of internal improvement as their wants and welfare may require; and in some of the States, those taxes have borne heavily upon the people. That burden, by the distribution proposed by this bill, would be lightened, and a large annual fund placed in the hands of the several States, which would enable them to extend the benefit of their improvements as fast and as far as the general interests might require.

Your committee entertain no doubt, that if our country continues in a state of peace, and if no unforeseen calamity should visit it and mar its prosperity, that the receipts from customs, brought down to the lowest standard that existing laws contemplate, will still be amply sufficient for all the current expenses of the Government, economically administered. The estimates which are sent us from the Secretary of the Treasury of those probable receipts, have not for some time past approached very nearly to accuracy; they, therefore, cannot be received as the basis of an estimate.

The increased population and business of the country, the very force of circumstances, which none can control, pours into the Treasury millions upon millions, which its officers were not led to anticipate, and which they hardly seem yet to realize. In the report of the Secretary of the Treasury of the 8th of December, 1835, he estimates the revenue of the last quarter of that year at $4,950,000. But, in answer to a resolution of the Senate of the 5th of the present month, he shows that the actual receipts for the same quarter have in fact amounted to about $11,149,000, exceeding the amount of the estimate by about $6,200,000, while the whole receipts of the year 1835 have exceeded his estimate by about $14,629,000.

Having formed the opinion that it is within the constitutional power of Congress to pass this measure; that the finances of the nation will not be too much diminished or at all deranged by it; and that the general prosperity of the country would be increased by its adoption, your committee have thought it within the range of their duty to estimate, as nearly as may be from the data within their power, the probable annual amount which will arise from the sales of the public lands, and be subject to distribution, should this bill become a law.

In looking into the future of human affairs, and judging of them from the past, we are constantly liable to error, arising from the difficulty of estimating all the disturbing causes which may intervene to produce a fluctuation in the course and current of events. On this subject, however, there are more stable and constant elements, which go to make up the data of our calculations than generally enter into financial estimates.

The sales of the public lands rest essentially on the wants of the husbandman, and are limited to a quantity little exceeding those wants. It is true, when the price is much below its actual value, it may become a subject of extensive speculation, but even then the amount of sales resolves itself into the same element, and speculation merely goes in advance of the farmer, who purchases for actual occupation, without increasing the aggregate of sales in a series of years. The principles of population which have developed themselves in the United States in the last forty years will not, probably, change materially in a like period to come; for, within that time, none of those causes which operate as checks upon population can, in the ordinary course of things, have existence here; nor is it probable that the pursuits of the great body of the people will essentially change; for the same causes which have made us an agricultural community are likely to continue without diminution, so long as the means of subsistence remain, as now, abundant and easy to be procured; and so long as there is a wide public domain parcelled out and ready for sale on moderate terms, placing a home and a freehold in the power of all that have the wish to possess them. The population of our country is, therefore, likely to continue its ratio of increase, and the habits and pursuits of our people to remain the same. Hence the investments in land for the use of the agriculturists will increase in like ratio as heretofore with the increase of our population.

Prior to the year 1800, but little land had been sold by the United States, and there was at that time of wild and uncultivated land within the bounds of the now States of Maine, Vermont, New York, Pennsylvania, Virginia, Georgia, Tennessee, Kentucky, and Ohio, belonging to the States and individuals, a very large quantity, the amount of which cannot be very accurately ascertained, but it is safe to say that it exceeded one hundred millions of acres. This has all, or nearly all, since passed into the hands of actual settlers; and there has been sold and granted of the lands of the United States within that period about fifty millions of acres. Thus it appears there have been taken up and converted to the use of the husbandman, within the last thirty-five years, about one hundred and fifty millions of acres of wild land; and in the mean time little or none heretofore cultivated has been abandoned. The population of the United States in 1800 was four millions, nearly; at this time it is about fourteen millions five hundred thousand; and as the increase upon four millions has, in thirty-five years, required one hundred and fifty million acres of new land, it follows that a like increase upon fourteen million five hundred thousand will, in a like period, require about five hundred and forty millions of acres, rising from the beginning to the end of the period in a ratio of progression; the average amount being about fifteen millions per year.

From the above data, your committee estimate the average receipts from the sales of the public lands for the next ten years, if the country continue in peace, if the land system be faithfully preserved, and if the sales be guarded from combination and fraud, at an average of something more than $10,000,000 per annum. There is already in hand, to be divided by the terms of this bill, $20,571,125 75; of this, the several States will be entitled to receive the sums shown by the annexed table, and of the receipts of each succeeding year, until the next census, in nearly the same proportions.

Your committee report the bill back with amendments, and recommend its passage.

Table showing the amount to which each State will be entitled.

	Federal population.	Share for each State.	Fifteen per cent. to new States.	Total to new States.
Maine, -	399,437	689,020		
N. Hampshire,	269,326	464,587		
Massachusetts,	610,408	1,052,953		
Rhode Island,	97,194	167,659		
Connecticut,	297,665	513,472		
Vermont, -	280,657	484,133		
New York, -	1,918,553	3,309,503		
New Jersey, -	319,922	551,865		
Pennsylvania,	1,348,072	2,325,424		
Delaware, -	75,432	130,120		
Maryland, -	405,843	700,079		
Virginia, -	1,023,503	1,765,554		
N. Carolina, -	639,747	1,103,563		
S. Carolina, -	455,025	784,918		
Georgia, -	429,811	741,423		
Kentucky, -	621,832	1,072,660		
Tennessee, -	625,263	1,078,578		
Ohio, - -	935,884	1,614,400	230,844	1,845,244
Louisiana, -	171,694	296,172	67,561	363,733
Indiana, -	343,031	591,728	325,485	917,213
Illinois, -	157,147	271,078	483,760	754,838
Missouri, -	130,419	224,972	174,354	399,326
Mississippi, -	110,358	190,367	788,403	978,770
Alabama, -	262,508	452,826	541,940	994,766

[*Report referred to in the preceding.*]

April 16, 1832.

Mr. Clay, from the Committee on Manufactures, made, to the Senate, the following report:

The Committee on Manufactures have been instructed by the Senate to inquire into the expediency of reducing the price of public lands, and of ceding them to the several States within which they are situated, on reasonable terms. Far from desiring to assume the duty involved in this important inquiry, it is known to the Senate that a majority of the committee was desirous that the subject should have been referred to some other committee. But, as the Senate took a different view of the matter, the Committee on Manufactures have felt bound to acquiesce in its decisions; and, having bestowed on the whole subject the best consideration in their power, now beg leave to submit to the Senate the result of their inquiries and reflections.

The public lands belonging to the General Government are situated, 1st, within the limits of the United States as defined by the treaty of peace which terminated the revolutionary war; and, 2dly, within the boundaries of Louisiana and Florida, as ceded by France and Spain, respectively, to the United States.

1st. At the commencement of the revolutionary war, there were in some of the States large bodies of waste and unappropriated lands, principally west of the Allegany mountains, and in the Southern or Southwestern quarters of the Union, whilst in others, of more circumscribed or better defined limits, no such resource existed. During the progress of that war, the question was agitated, what should be done with these lands in the event of its successful termination? That question was likely to lead to paralyzing divisions and jealousies. The States not containing any considerable quantity of waste lands contended that, as the war was waged with united means, with equal sacrifices, and at the common expense, the waste lands ought to be considered as a common property, and not be exclusively appropriated to the benefit of the particular States within which they happened to be situated. These, however, resisted the claim, upon the ground that each State was entitled to the whole of the territory, whether waste or cultivated, included within its chartered limits. To check the progress of discontent, and arrest the serious consequences to which the agitation of this question might lead, Congress recommended to the States to make liberal cessions of the waste and unseated lands to the United States; and, on the 10th day of October, 1780, "*Resolved,* That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th of September last, shall be disposed of for the common benefit of the United States," &c.

In conformity with the recommendation of Congress, the several States containing waste and uncultivated lands made cessions of them to the United States. The declared object having been substantially the same in all of these cessions, it is only necessary to advert to the terms of some of them. The first, in order of time, was that of New York, made on the 1st day of March, 1781, by its delegation in Congress, in pursuance of an act of the Legislature of the State; and the terms of the deed of cession expressly provide that the ceded lands and territories were to be held, "to and for the only use and benefit of such of the States as are, or shall become, parties to the articles of confederation." That of Virginia was the next in date, but by far the most important of all the cessions made by the different States, both as respects the extent and value of the country ceded. It comprehended the right of that Commonwealth to the vast territory northwest of the river Ohio, embracing, but not confined to the limits of, the present States of Ohio, Indiana, and Illinois. The deed of cession was executed by the delegation of Virginia in Congress, in 1784, agreeably to an act of the Legislature passed in 1783; and, among other conditions, the deed explicitly declares "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bonafide disposed of for that purpose, and for no other use or purpose whatsoever." Passing by the cessions which other States, prompted by a magnanimous spirit of union and patriotism, successively made, we come to the last in the series, that of the State of Georgia, in 1802. The articles of agreement and cession entered into between that State and the United States, among various other conditions, contain the unequivocal declaration, "that all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognised by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

Thus, by the clear and positive terms of these acts of cession, was a great, public, national trust created and assumed by the General Government. It became solemnly bound to hold and administer the lands ceded, as a common fund for the use and benefit of all the States, and for no other use or purpose whatever. To waste or misapply this fund, or to divert it from the common benefit for which it was conveyed, would be a violation of the trust. The General Government has no more power, rightfully, to cede the lands thus acquired to one of the new States, without a fair equivalent, than it could retrocede them to the State or States from which they were originally obtained. There would indeed be much more equity in the latter than in the former case. Nor is the moral responsibility of the General Government at all weakened by the consideration that, if it were so unmindful of its duty as to disregard the sacred character of the trust, there might be no competent power, peacefully applied, which could coerce its faithful execution.

2d. The other source whence the public lands of the United States have been acquired, are, 1st, the treaty of Louisiana, concluded in 1803; and, secondly, the treaty of Florida, signed in 1819. By the first, all the country west of the Mississippi, and extending to the Pacific ocean, known as Louisiana, which had successively belonged to France, Spain, and France again, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, was transferred to the United States, in consideration of the sum of fifteen millions of dollars which they stipulated to pay, and have since punctually paid, to France, besides other conditions deemed favorable and important to her interests. By the treaty of Florida, both the provinces of East and West Florida, whether any portion of them was or was not actually comprehended within the true limits of Louisiana, were ceded to the United States, in consideration, besides other things, of the payment of five millions of dollars, which they agreed to pay, and have since accordingly paid.

The large pecuniary considerations thus paid to these two foreign Powers were drawn from the Treasury of the people of the United States; and, consequently, the countries for which they formed the equivalents ought to be held and deemed for the common benefit of all the people of the United States. To divert the lands from that general object; to misapply or sacrifice them; to squander or improvidently cast them away, would be alike subversive of the interests of the people of the United States, and contrary to the plain dictates of the duty by which the General Government stands bound to the States and to the whole people.

Prior to the treaties of Louisiana and Florida, Congress had adopted a system for surveying and selling the public lands, devised with much care and great deliberation, the advantages of which having been fully tested by experience, it was subsequently applied to the countries acquired by those treaties. According to that system, all public lands offered for sale are previously accurately surveyed, by skilful surveyors, in ranges of townships of six miles square each, which townships are subdivided into thirty-six equal divisions or square miles, called sections, by lines crossing each other at right angles, and generally containing 640 acres. These sections are again divided into quarters, and prior to the year 1820, no person could purchase a less quantity than a quarter. In that year, provision was made for the further division of the sections into eighths, thereby allowing a purchaser to buy only eighty acres, if he wished to purchase no more. During the present session of Congress, further to extend accommodation to purchasers of the public lands, and especially to the poorer classes, the sections have been again divided into sixteenths, admitting a purchase of only forty acres.

This uniform system of surveying and dividing the public lands applies to all the States and Territories within which they are situated. Its great advantages are manifest. It insures perfect security of title and certainty of boundary, and consequently avoids those perplexing land disputes, the worst of all species of litigation, the distressing effects of which have been fatally experienced in some of the Western States. But these are not the only advantages, great as they unquestionably are. The system lays the foundation of useful civil institutions, the benefit of which is not confined to the present generation, but will be transmitted to posterity.

Under the operation of the system thus briefly sketched, the progress of the settlement and population of the public domain of the United States has been altogether unexampled. Views which the committee will hereafter present conclusively demonstrate that, whilst the spirit of free emigration should not be checked or counteracted, it stands in no need of any fresh stimulus.

Before proceeding to perform the specific duty assigned to the committee by the Senate, they had thought it desirable to exhibit some general views of this great national resource. For that purpose, a call, through the Senate, for information, has been made upon the executive branch of the Government. A report has not yet been made; but, as the committee are desirous of avoiding any delay, not altogether indispensable, they have availed themselves of the report from a Secretary of the Treasury to the House of Representatives, under date the 6th April, 1832, hereto annexed, marked A, and of such other information as was accessible to them.

From that report, it appears that the aggregate of all sums of money which have been expended by the United States in the acquisition of the public lands, including interest on account of the purchases of Louisiana and Florida up to the 30th day of September, 1831, and including also expenses in their sale and management, is $48,077,551 40; and that the amount of money received at the Treasury for proceeds of the sales of the public lands to the 30th of September, 1831, is $37,272,713 31. The Government, therefore, has not been reimbursed by $10,804,838 90. According to the same report, it appears that the estimated amount of unsold lands, on which the foreign and Indian titles have been extinguished is 227,293,884 acres, within the limits of the new States and Territories; and that the Indian title remains on 113,577,869 acres within the same limits. That there have been granted to Ohio, Indiana, Illinois, and Alabama, for internal improvements, 2,187,665 acres; for colleges, academies, and universities, in the new States and Territories, the quantity of 508,009; for education, being the thirty-sixth part of the public lands appropriated for common schools, the amount of 7,952,538 acres; and for seats of Government in some of the new States and Territories, 21,589 acres. By a report of the Commissioner of the General Land Office, communicated to Congress with the annual message of the President of the United States in December, 1827, the total quantity of the public lands, beyond the boundaries of the new States and Territories, was estimated to be 750,000,000. The aggregate, therefore, of all the unsold and unappropriated public lands of the United States, surveyed and unsurveyed, on which the Indian title remains or has been extinguished, lying within and without the boundaries of the new States and Territories, agreeably to the two reports now referred to, is 1,090,871,753 acres. There has been 138,988,224 acres surveyed, and the quantity only of 19,239,412 acres sold up to the 1st January, 1826. When the information called for shall be received, the subsequent surveys and sales up to the present period will be ascertained.

The committee are instructed by the Senate to inquire into the expediency of reducing the price of the public lands, and also of ceding them to the several States in which they are situated, on reasonable terms. The committee will proceed to examine these two subjects of inquiry distinctly, beginning first with that which relates to a reduction of price.

1. According to the existing mode of selling the public lands, they are first offered at public auction for what they will bring in a free and fair competition among the purchasers; when the public sales cease, the lands remaining unsold may be bought, from time to time, at the established rate of one dollar and a quarter per acre. The price was reduced to that sum in 1820, from $2 per acre, at which it had previously stood from the first establishment of the present system of selling public lands. A leading consideration with Congress, in the reduction of the price, was that of substituting cash sales for the credits which had been before allowed, and which, on many accounts, it was deemed expedient to abolish. A further reduction of the price, if called for by the public interests, must be required, either, 1st, Because the Government now demands more than a fair price for the public lands; or, 2dly, Because the existing price retards, injuriously, the settlement and population of the new States and Territories. These suggestions deserve separate and serious considerations.

I. The committee possess no means of determining the exact value of all the public lands now in market; nor is it material, at the present time, that the precise worth of each township or section should be accurately known. It is presumable that a considerable portion of the immense quantity offered to sale, or held by the United States, would not now command, and may not be intrinsically worth, the minimum price fixed by law; on the other hand, it is certain that a large part is worth more. If there could be a discrimination made, and the Government had any motive to hasten the sales beyond the regular demands of the population, it might be proper to establish different rates, according to the classes of land; but the Government, having no inducement to such acceleration, has hitherto proceeded on the liberal policy of establishing a moderate price, and by subdivisions of the sections, so as to accommodate the poorer citizens, has placed the acquisition of a home within the reach of every industrious man. For $100 any one may now purchase eighty, or for $50, forty acres of first rate land, yielding, with proper cultivation, from fifty to eighty bushels of Indian corn per acre, or other equivalent crops.

There is no more satisfactory criterion of the fairness of the price of an article than that arising from the briskness of sales when it is offered in the market. On applying this rule, the conclusion would seem to be irresistible, that the established price is not too high. The amount of the sales in the year 1828, was $1,018,308 75; in 1829, $1,517,175 13; in 1830, $2,329,356 14; and, during the year 1831, $3,000,000. And the Secretary of the Treasury observes in his annual report, at the commencement of this session, that "the receipts from the public lands, during the present year, it will be perceived, have likewise exceeded the estimates, and indeed have gone beyond all former example. It is believed that, notwithstanding the large amount of scrip and forfeited land stock that may still be absorbed in payment for lands, yet, if the surveys now projected be completed, the receipts from this source of revenue will not fall greatly below those of the present year." And he estimates the receipts during the current year, from this source, at three millions of dollars. It is incredible to suppose that the amount of sales would have risen to so large a sum if the price had been unreasonably high. The committee are aware that the annual receipts may be expected to fluctuate, as fresh lands, in favorite districts, are brought into market, and according to the activity or sluggishness of emigration in different years.

Against any considerable reduction of the price of the public lands, unless it be necessary to a more rapid population of the new States, which will be hereafter examined, there are weighty, if not decisive considerations.

1. The Government is the proprietor of much the largest quantity of the unseated lands of the United States. What it has in market bears a large proportion to the whole of the occupied lands within their limits. If a considerable quantity of any article, land, or any commodity whatever, is in market, the price at which it is sold will affect, in some degree, the value of the whole of that article, whether exposed to sale or not. The influence of a reduction of the price of the public lands would probably be felt throughout the Union; certainly in all the Western States, and most in those which contain, or are nearest to, the public lands. There ought to be the most cogent and conclusive reasons for adopting a measure which might seriously impair the value of the property of the yeomanry of the country. Whilst it is decidedly the most important class in the community, most patient, patriotic, and acquiescent in whatever public policy is pursued, it is unable or unwilling to resort to those means of union and concert which other interests employ to make themselves heard and respected. Government should, therefore, feel itself constantly bound to guard, with sedulous care, the rights and welfare of the great body of our yeomanry. Would it be just towards those who have heretofore purchased public lands at higher prices, to say nothing as to the residue of the agricultural interest of the United States, to make such a reduction, and thereby impair the value of their property? Ought not any such plan of reduction, if adopted, to be accompanied with compensation for the injury which they would inevitably sustain?

2. A material reduction of price would excite and stimulate the spirit of speculation, now dormant, and probably lead to a transfer of vast quantities of the public domain from the control of Government to the hands of the speculator. At the existing price, and with such extensive districts as the public constantly offers in the market, there is no great temptation to speculation. The demand is regular, keeping pace with the progress of emigration, and is supplied on known and moderate terms. If the price were much reduced, the strongest incentives to engrossment of the better lands would be presented to large capitalists; and the emigrant, instead of being able to purchase from his own Government upon uniform and established conditions, might be compelled to give much higher and more fluctuating prices to the speculator. An illustration of this effect is afforded by the military bounty lands granted during the late war. Thrown into market at prices below the Government rate, they notoriously became an object of speculation, and have principally fallen into the hands of speculators, retarding the settlement of the districts which include them.

3. The greatest emigration that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be, 1st. To lessen the value of real estate in those three States. 2d. To diminish their interest in the public domain, as a common fund for the benefit of all the States. And, 3dly. To offer what would operate as a bounty to further emigration from those States, occasioning more and more lands situated within them to be thrown into the market, thereby not only lessening the value of their lands, but draining them both of their population and currency.

And, lastly, Congress has, within a few years, made large and liberal grants of the public lands to several States. To Ohio, 922,937 acres; to Indiana, 384,728 acres; to Illinois, 480,000 acres; and to Alabama, 400,000 acres; amounting together to 2,187,665 acres. Considerable portions of these lands yet remain unsold. The reduction of the price of the public lands, generally, would impair the value of those grants, as well as injuriously affect that of the lands which have been sold in virtue of them.

On the other hand, it is inferred and contended, from the large amount of public land remaining unsold, after having been so long exposed to sale, that the price at which it is held is too high. But this apparent tardiness is satisfactorily explained by the immense quantity of public lands which have been put into the market by Government. It is well known that the new States have constantly and urgently pressed the extinction of the Indian title upon lands within their respective limits, and, after its extinction, that they should be brought into market as rapidly as practicable. The liberal policy of the General Government, coinciding with the wishes of the new States, has prompted it to satisfy the wants of emigrants from every part of the Union, by exhibiting vast districts of land for sale in all the States and Territories, thus offering every variety of climate and situation to the free choice of settlers. From these causes, it has resulted that the power of emigration has been totally incompetent to absorb the immense bodies of waste lands offered in the market. For the capacity to purchase is, after all, limited by the emigration, and the progressive increase of population. If the quantity thrown into the market had been quadrupled, the probability is that there would not have been much more annually sold than actually has been. With such extensive fields for selection before them, purchasers, embarrassed as to the choice which they should make, are sometimes probably influenced by caprice or accidental causes. Whilst the better lands remain, those of secondary value will not be purchased. A judicious farmer or planter would sooner give one dollar and a quarter per acre for first-rate land, than receive as a donation land of inferior quality, if he were compelled to settle upon it.

It is also contended that the price of the public land is a tax; and that at a period when, in consequence of the payment of the public debt and the financial prosperity of the United States, the Government is enabled to dispense with revenue, that tax ought to be reduced, and the revenue arising from the sales be thereby diminished. In the first place, it is to be observed that if, as has been before stated, the reduction of the price of the public lands should stimulate speculation, the consequence would probably be, at least for some years, an augmentation of the revenue from that source. Should it have the effect of speculation supposed, it would probably also retard the settlement of the new States, by placing the lands engrossed by speculators, in anticipation of increased value, beyond the reach of emigrants. If it were true that the price demanded by Government operated as a tax, the question would still remain whether that price exceeded the fair value of the land which emigrants are in the habit of purchasing? and, if it did not, there would be no just ground for its reduction. And assuming it to be a tax, it might be proper to inquire who pays the tax? the new or the old States—the States that send out or the States that receive the emigrants? In the next place, regarded as a tax, those who have heretofore made purchases at the higher rate have already paid the tax, and are as much deserving the equitable consideration of the Government as those who might hereafter be disposed to purchase at the reduced rate. It is proper to add that, by the repeal and reduction contemplated of duties upon articles of foreign import, subsequent purchasers of the public lands, as far as they are consumers of those articles, will share in the general relief, and will consequently be enabled to apply more of their means to the purchase of land.

But in no reasonable sense can the sale of the public lands be considered as the imposition of a tax. The Government, in their disposal, acts as a trustee for the whole people of the United States, and, in that character, holds and offers them in the market. Those who want them buy them, because it is their inclination to buy them. There is no compulsion in the case. The purchase is perfectly voluntary, like that of any other article which is offered in the market. In making it, the purchaser looks exclusively to his own interest. The motive of augmenting the public revenue, or any other motive than that of his own advantage, never enters into his consideration. The Government, therefore, stands to the purchaser in the relation merely of the vender of a subject which the purchaser's own welfare prompts him to acquire; and, in this respect, does not vary from the relation which exists between any private vender of waste lands, and the purchaser from him. Nor does the use to which the Government may think proper to apply the proceeds of the sale of the public lands give the smallest strength to the idea that the purchase of them is tantamount to the payment of a tax. The Government may employ those proceeds as a part of its ordinary revenue, or it may apply them in any other manner, consistent with the constitution, which it deems proper. Revenue and taxation are not always relative terms. There may be revenue without taxation. There may be taxation without revenue. There may be sources of established revenue which not only do not imply, but which supersede, taxation. Is the consideration paid for land to a private individual to be deemed a tax, because that individual may happen to use it as a part of his income?

2. Is the reduction of the price of the public lands necessary to accelerate the settlement and population of the States within which they are situated? Those States are Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana. If their growth has been unreasonably slow and tardy, we may conclude that some fresh impulse, such as that under consideration, is needed. Prior to the treaty of Greenville, concluded in 1795, there were but few settlements within the limits of the present State of Ohio. Principally since that period, that is, within a term of about forty years, that State, from a wilderness, the haunt of savages and wild beasts, has risen into a powerful Commonwealth, containing, at this time, a population of a million of souls, and holding the third or fourth rank among the largest States in the Union. During the greater part of that term, the minimum price of the public lands was two dollars per acre; and of the large quantity with which the settlement of that State commenced, there only remain to be sold 5,586,834 acres.

The aggregate population of the United States, exclusive of the Territories, increased, from the year 1820 to 1830, from 9,579,873 to 12,716,697. The rate of the increase, during the whole term of ten years, including a fraction, may be stated at thirty-three per cent. The principle of population is presumed to have full scope generally in all parts of the United States. Any State, therefore, which has exceeded or fallen short of that rate, may be fairly assumed to have gained or lost by emigration nearly to the extent of the excess or deficiency. From a table accompanying this report, (marked B,) the Senate will see presented various interesting views of the progress of population in the several States. In that table, it will be seen that each of eleven States exceeded, and each of thirteen fell short, of an increase at the average rate of thirty-three per cent. The greatest increase, during the term, was in the State of Illinois, where it was one hundred and eighty five per cent., or at the rate of, 18½ per cent. per annum; and the least was in Delaware, where it was less than six per cent. The seven States embracing the public lands had a population, in 1820, of 1,207,165, and in 1830 2,238,802, exhibiting an average increase of 85 per cent. The seventeen States containing no part of the public lands had a population in 1820 of 8,372,707, and in 1830 of 10,477,895, presenting an average increase of only 25 per cent. The thirteen States, whose increase, according to the table, was below 33 per cent., contained in 1820 a population of 5,939,759, and in 1830 of 6,966,600, exhibiting an average increase of only seventeen per cent. The increase of the seven new States upon a capital which, at the commencement of the term, was 1,207,165, has been greater than that of the thirteen whose capital then was 5,939,759. In three of the eleven States, (Tennessee, Georgia, and Maine,) whose population exceeded the average increase of 33 per cent., there were public lands belonging to those States; and in the fourth, (New York,) the excess is probably attributable to the rapid growth of the city of New York, to waste lands in the western part of that State, and to the great development of its vast resources by means of extensive internal improvements.

These authentic views of the progress of population in the seven new States demonstrate that it is most rapid and gratifying; that it needs no such additional stimulus as a farther reduction in the price of the public lands; and that, by preserving and persevering in the established system for selling them, the day is near at hand when those States, now respectable, may become great and powerful members of the confederacy.

Complaints exist in the new States, that large bodies of lands in their respective territories, being owned by the General Government, are exempt from taxation to meet the ordinary expenses of the State Governments, and other local charges; that this exemption continues for five years after the sale of any particular tract; and that land being the principal source of the revenue of those States, an undue share of the burden of sustaining the expenses of the State Governments falls upon the resident population. To all these complaints it may be answered that, by voluntary compacts between the new States, respectively, and the General Government, five per cent. of the nett proceeds of all the sales of the public lands included within their limits are appropriated for internal improvements leading to or within those States; that a section of land in each township, or one thirty-sixth part of the whole of the public lands embraced within their respective boundaries, has been reserved for purposes of education; and that the policy of the General Government has been uniformly marked by great liberality towards the new States, in making various, and some very extensive, grants of the public lands for local purposes. But, in accordance with the same spirit of liberality, the committee would recommend an appropriation to each of the seven States referred to of a further sum of ten per cent. on the nett proceeds of the sales of that part of the public land which lies within it, for objects of internal improvement in their respective limits. The tendency of such an appropriation will be not only to benefit those States, but to enhance the value of the public lands remaining to be sold.

II. The committee have now to proceed to the other branch of the inquiry which they were required to make, that of the expediency of ceding the public lands to the several States in which they are situated, on reasonable terms. The inquiry comprehends, in its consequences, a cession of the whole public domain of the United States, whether lying within or beyond the limits of the present States and Territories. For, although in the terms of the inquiry, it is limited to the new States, cessions to them would certainly be followed by similar cessions to other new States, as they may, from time to time, be admitted into the Union. Three of the present Territories have nearly attained the requisite population entitling them to be received as members of the confederacy, and they shortly will be admitted. Congress could not consistently avoid ceding to them the public lands within their limits, after having made such cessions to the other States. The compact with the State of Ohio formed the model of compacts with all the other new States, as they were successively admitted.

Whether the question of a transfer of the public lands be considered in the limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements, founded on official reports, made in the preceding part of this report, it has been seen that the quantity of unsold and unappropriated lands lying within the limits of the new States and Territories is 340,871,753 acres, and the quantity beyond those limits is 750,000,000, presenting an aggregate of 1,090,871,753 acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of 1,363,589,691 dollars. If it be said that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on the average, one half of the minimum price, they would still present the immense sum of 681,794,845 dollars. The least favorable view which can be taken of them, is that of considering them a capital yielding, at present, an income of three millions of dollars annually. Assuming the ordinary rate of six per cent. interest per annum as the standard to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the six last years has been at the rate of twenty-three per cent. per annum. Supposing it to continue in the same ratio, at the end of a little more than four years the income would be double, and make the capital 100,000,000 dollars. Whilst the population of the United States increase only three per cent. per annum, the increase of the demand for the public lands is at the rate of twenty-three per cent., furnishing another evidence that the progress of emigration, and the activity of sales, have not been checked by the price demanded by Government.

In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the General Government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or given more general satisfaction, than that of the administration of the public lands.

If the proposed cession to the new States were to be made at a fair price, such as the General Government could obtain from individual purchasers under the present system, there would be no motive for it unless the new States are more competent to dispose of the public lands than the common Government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with the view to the acquisition of funds to enable it to fulfil its engagements to the General Government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting, but delusive projects; and the history of legislation, in some of the States of the Union, admonishes us that a too ready ear is sometimes given by a majority in a legislative assembly to such projects.

A decisive objection to such a transfer for a fair equivalent, is, that it would establish a new and dangerous relation between the General Government and the new States. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, Congress was principally governed by the consideration of the expediency and hazard of accumulating a large amount of debt in the new States, all bordering on each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the Government in enforcing payment from delinquents. The project which the committee are now considering, is, to sell to the States, in their sovereign character, and, consequently, to render them public debtors to the General Government to an immense amount. This would inevitably create between the debtor States a common feeling, and a common interest, distinct from the rest of the Union. Those States are all in the Western and Southwestern quarter of the Union, remotest from the centre of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength and power and durability of our happy Union; and the attachment and warm affection of every member of the confederacy cannot be doubted: but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

In the State of Illinois, with a population, at the last census, of 157,445, there are 31,395,669 acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to $19,622,480. How would that State be able to pay such an enormous debt? How could it pay even the annual interest upon it?

Supposing the debtor States to fail to comply with their engagements, in what mode could they be enforced by the General Government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice, and the regard for character which prevail among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of delinquency on the part of the debtor States. The relations between the General Government and the members of the confederacy are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the Judiciary coerce the debtor States? On what could their process operate? Could the property of innocent citizens, residing within the limits of those States, be justly seized by the General Government, and held responsible for debts contracted by the States themselves in their sovereign character? If a mortgage upon the lands ceded were retained, that mortgage would prevent or retard subsequent sales by the States; and if individuals bought, subject to the encumbrance, a parental Government could never resort to the painful measure of disturbing them in their possessions.

Delinquency on the part of the debtor States would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to spunge the debt; or, if Congress attempted to enforce its payment, another and a worse alternative would be embraced.

If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive States to Congress, and contrary to the obligations which the General Government stands under to the whole people of these United States, arising out of the fact that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old States. And its inequality among the new States would be as marked as its injustice to the old would be indefensible. Thus, Missouri, with a population of 140,455, would acquire 38,292,151 acres; and the State of Ohio, with a population of 935,884, would obtain only 5,586,834 acres. Supposing a division of the land among the citizens of those two States, respectively, the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upwards of two hundred and seventy-two acres as his proportion.

Upon full and thorough consideration, the committee have come to the conclusion that it is inexpedient either to reduce the price of the public lands, or to cede them to the new States. They believe, on the contrary, that sound policy coincides with the duty which has devolved on the General Government to the whole of the States, and the whole of the people of the Union, and enjoins the preservation of the existing system, as having been tried and approved after long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United States enjoy, the question merits examination, whether, whilst the General Government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sales of the public lands, no longer needed to meet the ordinary expenses of Government, may not be beneficially appropriated to some other objects for a limited time.

Governments, no more than individuals, should be seduced or intoxicated by prosperity, however flattering or great it may be. The country now happily enjoys it in a most unexampled degree. We have abundant reason to be grateful for the blessings of peace and plenty, and freedom from debt. But we must be forgetful of all history and experience if we indulge the delusive hope that we shall always be exempt from calamity and reverses. Seasons of national adversity, of suffering, and of war, will assuredly come. A wise Government should expect and provide for them. Instead of wasting or squandering its resources in a period of general prosperity, it should husband and cherish them for those times of trial and difficulty which, in the dispensations of Providence, may be certainly anticipated. Entertaining these views, and, as the proceeds of the sales of the public lands are not wanted for ordinary revenue, which will be abundantly supplied from the imposts, the committee respectfully recommend that an appropriation of them be made to some other purpose, for a limited time, subject to be resumed in the contingency of war. Should such an event unfortunately occur, the fund may be withdrawn from its peaceful destination, and applied, in aid of other means, to the vigorous prosecution of the war, and, afterwards, to the payment of any debt which may be contracted in consequence of its existence. And, when peace shall be again restored, and the debt of the new war shall have been extinguished, the fund may be again appropriated to some fit object other than that of the ordinary expenses of Government. Thus may this great resource be preserved, and rendered subservient, in peace and in war, to the common benefit of all the States composing the Union.

The inquiry remains, what ought to be the specific application of the fund under the restriction stated? After deducting the ten per cent. proposed to be set apart for the new States, a portion of the committee would have preferred that the residue should be applied to the objects of internal improvement, and colonization of the free blacks, under the direction of the General Government. But a majority of the committee believes it better, as an alternative for the scheme of cession to the new States, and as being most likely to give general satisfaction, that the residue be divided among the twenty-four States, according to their federal representative population, to be applied to education, internal improvement, or colonization, or to the redemption of any existing debt contracted for internal improvements, as each State, judging for itself, shall deem most conformable with its own interests and policy. Assuming the annual product of the sales of the public lands to be three millions of dollars, the table hereto annexed, marked C, shows what each State would be entitled to receive, according to the principle of division which has been stated. In order that the propriety of the proposed appropriation should again, at a day not very far distant, be brought under the review of Congress, the committee would recommend that it be limited to a period of five years, subject to the condition of war not breaking out in the mean time. By an appropriation so restricted as to time, each State will be enabled to estimate the probable extent of its proportion, and to adapt its measures of education, improvement, or colonization, or extinction of existing debt, accordingly.

In conformity with the views and principles which the committee have now submitted, they beg leave to report the accompanying bill, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States."

A.

Letter from the Secretary of the Treasury, transmitting reports as to the quantity of public lands unsold; the quantity granted for internal improvements, education, and to charitable institutions; the amount paid for title to public lands; the expenses incurred in the sale of the public lands, and in settling titles of claimants, and the amount received for lands sold.

Treasury Department,
April 6, 1832.

Sir: In compliance with the two resolutions of the House of Representatives, passed on the 25th of January last, in the following terms:

"*Resolved*, That the Secretary of the Treasury be requested to furnish this House with a statement showing the quantity, in acres, of public land unsold at the time of the last quarterly return of sales, and within the limits of the several States and organized Territories, distinguishing that part to which the Indian title had been extinguished; also the number of acres which have been appropriated for internal improvements, education, or charitable institutions, showing, under separate heads, the quantity of land unsold in each State and Territory, and to what States and Territories, or bodies politic, grants of land have been made, and the quantity to each.

"*Resolved*, That the Secretary of the Treasury inform this House what amount of money has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties, the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the several Indian tribes, and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the Western domain; also, the gross amount of money received at the public Treasury as the proceeds of sales of public lands, and the sum still due from supposed solvent purchasers;"

I have the honor to transmit a statement from the Commissioner of the General Land Office, marked (*a*,) containing the information required by the first resolution; and a statement from the Register, marked (*b*,) containing that required by the second resolution.

In answer to the inquiry respecting "the sum still due from supposed solvent purchasers," I have to remark, that, agreeably to law, all lands which had been further credited under the relief laws passed in the years 1821, 1822, and 1823, and which were not paid for on the 4th July, 1829, have reverted to the United States, and the moneys paid thereon are declared to be forfeited. There is, therefore, at the present time, no debt due from purchasers of public lands.

I have the honor to be, very respectfully,
Your obedient servant,
LOUIS McLANE,
Secretary of the Treasury.

To the honorable the Speaker
of the House of Representatives of the United States.

(*a*.)

Statement rendered in pursuance of a resolution of the House of Representatives of 25th January, 1832.

State or Territory.	Estimated amount of acres unsold of lands to which the Indian and foreign titles have been extinguished.	Estimated amount of acres to which the Indian title has not been extinguished.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of Government.	Saline reservations.	Aggregate appropriations for each State and Territory.
			Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty-sixth part of public lands appropriated for common schools.	For religious and charitable institutions.			
Ohio -	5,242,221	344,613	922,937	*92,800	678,576,	‡43,525	-	-	1,737,838
Indiana -	12,699,096	3,681,040	384,728	46,080	†556,184	-	2,560	23,040	1,012,592
Illinois -	28,237,859	3,158,110	480,000	46,080	977,457	-	2,560	206,128	1,712,225
Missouri -	34,547,152	3,744,000	-	46,080	1,086,639	-	2,449	46,080	1,181,218
Mississippi	21,211,465	6,529,200	-	46,080	685,884	-	1,280	-	733,244
Alabama	20,167,725	7,760,879	400,000	46,560	722,190	§23,040	1,620	23,040	1,216,450
Louisiana -	25,198,234	-	-	46,080	873,973	-	-	-	920,053
Michigan -	17,883,681	82,905,536	-	46,080	543,893	-	10,000	-	599,973
Arkansas -	31,912,381	288,000	-	46,080	950,258	-	-	-	996,338
Florida -	30,194,070	5,166,500	-	46,080	877,484	‖23,040	1,120	-	947,724
Aggregate,¶	227,293,884	113,577,869	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685

* Including salt-spring reservations, which are authorized to be sold by the State, and the proceeds applied to literary purposes.
† Including lands appropriated for schools in Clark's grant.
‡ Section No. 29, appropriated for religious purposes, in the purchases made by John C. Symmes and the Ohio Company.
§ For the benefit of the Connecticut Deaf and Dumb Asylum.
‖ For the benefit of the Kentucky Deaf and Dumb Asylum.
¶ The aggregate of *un*sold lands is to the 31st December, 1831.

General Land Office, *April* 2, 1832.

ELIJAH HAYWARD.

(*b*.)

Statement of the amount of money which has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties; the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the several Indian tribes; and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the Western domain; also, the gross amount of money received at the public Treasury, as the proceeds of sales of public lands, stated in pursuance of the resolution of the House of Representatives of the 25th of January, 1832.

Payment on account of the purchase of Louisiana:		
Principal -	$14,984,872 28	
Interest on $11,250,000 -	8,529,353 43	
		$23,514,225 71
Payment on account of the purchase of Florida:		
Principal -	$4,985,599 82	
Interest to 30th Sept., 1831, -	$1,265,416 67	
		6,251,016 49
Payment of compact with Georgia -		1,065,484 06
Payment of the settlement with the Yazoo claimants - - - - -		1,830,808 04
Payment of contracts with the several Indian tribes (all expenses on account of Indians) - - - -		11,852,182 56
Payment of commissioners, clerks, and other officers employed by the United States for the management and sale of the Western domain - - -		3,563,834 54
		$48,077,551 40
Amount of money received at the Treasury as the proceeds of public lands, to the 30th September, 1831 -		$37,272,713 31

Treasury Department,
Register's Office, February 7, 1832.

T. L. SMITH, *Register.*

B.

A statement exhibiting various comparative views of the progress of the population of the United States, and in different States, derived from the census of 1820 *and the census of* 1830.

According to pop. in 1820.	Population in 1820.	Population in 1830.	According to pop. in 1830.	States according to ratio of increase.	Rates of increase from 1820 to 1830.	Actual increase from 1820 to 1830.	According to act'l increase.
24	55,211	157,445	20	Illinois -	185.16	102,234	10
19	127,901	309,527	15	Alabama -	142.00	181,626	6
18	147,178	343,031	13	Indiana -	133.07	195,853	5
23	66,586	140,455	21	Missouri -	110.93	73,869	15
21	75,448	136,621	21	Mississippi -	81.07	61,173	17
9	420,813	681,904	7	Tennessee -	62.04	261,091	
5	581,434	935,884	4	Ohio - -	60.96	354,450	2
11	340,989	516,823	10	Georgia -	51.56	175,834	7
17	153,407	215,739	19	Louisiana -	40.63	62,332	16
1	1,372,812	1,913,131	1	New York -	39.36	540,319	1
12	298,335	399,437	12	Maine -	33.88	101,102	11
3	1,049,313	1,348,233	2	Pennsylvania	28.48	298,920	3
6	564,317	687,917	6	Kentucky -	21.90	123,600	9
16	235,764	280,657	17	Vermont -	19.04	44,893	18
20	83,059	97,194	23	Rhode Island	17.01	14,135	23
7	523,287	610,408	8	Massachusetts	16.64	87,121	13
8	502,741	581,185	9	S. Carolina -	15.60	78,444	14
13	277,575	320,823	14	New Jersey -	15.58	43,248	19
4	638,829	737,987	5	N. Carolina -	15.52	99,158	12
2	1,065,366	1,211,405	3	Virginia -	13.70	146,039	8
15	244,161	269,328	18	N. Hampshire	10.30	25,167	21
10	407,350	447,040	11	Maryland -	9.74	39,690	20
14	275,248	297,675	16	Connecticut -	8.14	22,427	22
22	72,749	76,748	24	Delaware -	5.49	3,999	24
	9,579,873	12,716,597			32.74	3,136,724	

Population of the 24 States in 1820 - 9,579,873
Do do in 1830 - 12,716,597

Actual increase - - - 3,136,724

Rate of increase - - - 32.74

Of the 11 States whose ratio of increase is greater in the annexed table than 32.74, the aggregate population was in 1820 - - 3,640,114
Do do in 1830 - - 5,749,997

Actual increase - - - 2,109,883

Ratio of increase - - - 57.96

Of these 11 States, the 7 containing the public domain had a population, in 1820, of - 1,207,165
Do do 1830 - 2,238,702

Actual increase - - - 1,031,537

Ratio of increase - - - 85.43

The remaining 4 of the 11, viz:
Tennessee, Georgia, New York, and Maine, had a population, in 1820, of - - 2,432,949
Do do in 1830, - - 3,511,295

Actual increase - - - 1,078,346

Rate of increase - - - 44.32

The 17 States having none of the public lands had a population, in 1820, of - - 8,372,707
Do do in 1830, of - - 10,477,895

Actual increase - - - 2,105,188

Rate of increase - - - 25.14

The 13 States whose increase according to the annexed table is below 32.74 had a population, in 1820, of - - - - 5,939,759
Do do in 1830 6,966,600

Actual increase - - - 1,026,841

Rate of increase - - - 17.28

In 1820, the population of the seven States containing the public lands, viz: Illinois, Alabama, Indiana, Missouri, Mississippi, Ohio, and Louisiana, bore to the whole population of the United States the proportion of 1 to 7.95, or about 1-8. In 1830, it was at 1 to 5.23, a little less than 1-5.

In 1820, the population of the same seven States was to the population of the remaining 17 States as 1 to 6.94, or about 1-7. In 1830, it was as one to 4.68, more than 1-5, and nearly 3-10.

In 1820, the population of the same seven States was to that of the remaining four of the 11 whose increase is above the common ratio, viz: Tennessee, Georgia, New York, and Maine, as 1 to 2.015, or something less than 1-2. In 1830, it was as 1 to 1.55, or about 2-3.

In 1820, the population of the same seven States was to that of the 13 States whose increase is below the common ratio, as 1 to 4.92, or about 1-5. In 1830, it was 1 to 3.11, or about 1-3.

In 1820, the population of the seven land States was about 1-8 of the population of all the States. Their increase in 10 years is to the whole increase as 1 to 3.04, or about 1-3.

In 1820, the population of these seven States was equal to about 1-7 of that of the other 17 States. The increase of the former in 10 years is to that of the latter as 1 to 2.04 or about 1-2.

In 1820, the population of these seven States equalled about 2-3 of that of the four other States whose increase is above the common ratio, viz: Tennessee, Georgia, New York, and Maine. The increase of the former in 10 years is to that of the latter as 1 to 1.04, or very nearly equal.

In 1820, the population of these seven States was about 1-5 of that of the 13 States whose increase is below the common ratio. The increase of these former in 10 years is to that of the latter as 1 to 0.995, a little more than equal.

General Land Office,
January 28, 1836.

Sir: I have the honor to acknowledge the receipt of your letter of 23d inst. propounding various inquiries as to the practical operation of the pre-emption laws: whether any frauds have been practised upon the Government under the color of those laws, and, if so, of what nature, and to what extent; whether, in my opinion, it is practicable to guard against their repetition, if those laws continue in force, &c.; and have to state that, in the midst of my accumulated duties, I cannot probably better answer those inquiries than by transmitting the enclosed copy of a letter of this date to the Secretary of the Treasury, on a call from the Committee on Public Lands in the House of Representatives.

As all the documents which it is intended to send with that report connot be copied to-day, I have concluded to send the enclosed without delay, and the copies hereafter.

With great respect, your obedient servant,

ETHAN A. BROWN.
Commissioner.

Hon. Thomas Ewing,
Chairman of the Committee on Public Lands, Senate.

General Land Office,
January 28, 1836.

Sir: You have been pleased to refer to me a letter from the Hon. A. G. Harrison, accompanied by a resolution of the Committee on Public Lands; the letter advising you that a bill granting pre-emption to actual settlers, then before the committee, had been drawn with an eye particularly directed to the frauds alleged to have been committed, and expressing that the great desire of the committee to adopt such provisions as will prevent the future possibility of such frauds, had led to the communication, believing that you may have it in your power to give additional light on the subject. The resolution of the committee aforesaid being in these words: "*Resolved*, That the resolution of the House, instructing the committee to inquire into the expediency of modifying the different acts of Congress granting pre-emption rights to settlers on the public lands, so as to protect the rights of settlers and prevent frauds against the United States," "be referred to the Secretary of the Treasury, and that he be requested to furnish the committee with the best plan which occurs to him, of securing the right of pre-emption to actual settlers and of preventing said frauds." I have attentively considered the said letter and resolution, and have the honor to report:

"The Committee on Public Lands apply to you, sir, for 'all the information in your department concerning the alleged frauds.'"

Most of the knowledge possessed by the General Land Office concerning frauds practised in relation to pre-emptions, of which I am now able to speak, consists of uncontradicted general reports, in general currency and credit; of oral communications to me, and letters to me and others, from persons in high standing; most of the writers either requesting that their names may not be published, or not giving authority for such publication. The terms of these communications are rarely sufficiently specific and tangible to fix particular instances, except in the cases of interested correspondents, some of whose representations have been verified, others not; while want of time and opportunity have delayed an investigation of the greater part of this last class.

The requisition of the committee, above mentioned, is sufficiently comprehensive in terms to include every case and its circumstances, as well as the general representations that have reached this office. I must take the liberty to observe that a literal compliance with the requisition cannot be speedily yielded. It would render the report very voluminous, and require to search the files of an immense correspondence, and the investigation of many tens of thousands of pre-emption cases reported, which we have not yet been able to take up for examination. To particularize every exceptionable case, even of those that have attracted attention since the act of 1834 has been in operation, would require more time in the revision and narration than would seem to comport with the desire of the committee to act soon upon the bill alluded to by Mr. Harrison; and, therefore, with your permission, I will confine myself, on this occasion, to the imputations currently believed, and general heads of impositions attempted and practised, which have been detected in some of the contested cases examined, or which common fame has represented as having been but too common in some quarters; and without comment on the conspicuous cases of the military reservations at Chicago, and the missionary stations in Mississippi, I proceed to remark that the loudest and most numerous complaints, arising from the pre-emption policy, that have reached the General Land Office, have been against the alleged abuse of the privilege commonly called floating claims. Some who claim to be bonafide cultivators and occupiers under the act of 1834, complain of being vexed and disturbed by these "floats." A more numerous class, not comprised in the provisions of the act, are said not to be the less clamorous, because the floats have been lawfully located on their chosen spots; but chiefly the virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury is asserted to have been carried in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed. These representations are made by individuals in highly respectable standing, besides our own officers. And it is said, on creditable authority, that preparations appear to be making, in hopes of a pre-emption act at this session of Congress, to acquire by such means, at minimum cost, a great part of the precious lands on Red river. No particular instance of these practices has been indicated to me, but the opinion is prevalent that they are transacted. It is believed that the number of bonafide pre-emptions in Louisiana is comparatively small, as information derived from persons distinguished by public confidence in that State represents a belief that a claim to pre-emption was not often heard of on the island of New Orleans, nor west of the Mississippi, before this multiplication of "floats" was devised to be laid on the finest vacant land.

This iniquitous scheme appears to be of late date in that region, as the first intelligence of it seems to have been communicated to the General Land Office some time after it was placed in my charge. Agreeably to your direction, sir, circumspection and vigilance were recommended to the land officers in Louisiana, in order to guard against imposition; and I ventured to direct the surveyor general to retain the plats in his hands which were destined for the land offices, until further orders. Other steps have recently been taken at this office, to put in train a rigorous scrutiny into the legitimacy of the floating pretensions in that State. Letters and copies of letters on this subject, Nos. —— to ——, are herewith transmitted. Contrivances have been brought to light in other places, showing where a family occupying the same tenement, where father and son, and mother and son, dwelling together, have set up the pretence of separate cultivation and occupancy, to divide a quarter section, and obtain a float for each half.

Claimants of another reprehensible description are they whose pretensions are founded on depositions in general terms, or wearing the appearance of being artfully worded, admitting a subterfuge in the attempt to give a legal coloring to their proceedings, by construing the statute to suit their purposes. The law, as its title imports, is in favor of settlers; but pretensions have been set up by persons dwelling in town with their families, and there following mercantile or other pursuits, while they caused a little show of improvement, that scarce deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop on the place on the following 19th of June, have been assumed as fulfilling the required conditions.

Among the pretences to cultivation, there have been disclosures, as follows, viz: where the cutting and burning a small patch of cane; where an enclosure, not entitled to be called a fence, around a space only large enough for a very small garden, and the planting a few culinary vegetables; and where scattering an undefined quantity of turnip or grass seeds; and, in one case, planting a few turnips or onions, have been claimed as cultivation, to meet this condition. Further remarks upon constructive possession may be dispensed with.

The registers and receivers are made judges of the credibility and sufficiency of the proofs, except in contested cases, which are required to be sent to the Commissioner for decision.

My predecessor ordered the evidence in every case to be forwarded; but, during near five months of my superintendence, it has been quite impossible to scrutinize the proof in about sixteen hundred of the former class, without neglecting duties that appeared more pressing and imperative. In those examined, contradictions, prevarications, and other circumstances, have occasionally placed parties and witnesses in no favorable point of view.

In the contested class, the land officers must be presumed, *prima facie*, to have acted correctly. If honest, they would not knowingly pass a fraudulent claim; if conniving, they will hardly be expected to expose themselves voluntarily. The necessary quantum of evidence can hardly be prescribed, the same proof being more or less convincing to the different persons.

The bill mentioned by Mr. Harrison as having for subject the granting of pre-emptions to actual settlers, and to prevent the future possibility of such frauds as are alleged to have been committed, forms no part of your reference, and it would, perhaps, be improper to allude to it in this place, if the letter did not seem to indicate an intention on the part of the writer, and of the committee to which he belongs, to extend the grants of pre-emption to others than those who come within the provisions of the act of 1834. Believing such a disposition to be implied, and that a new law to that effect will go far to form the pre-emption policy into a durable system, involving considerations of great importance to the Treasury, and materially affecting the land establishment under my particular charge, I hope it will not be considered officious or impertinent to submit a few remarks, though not expressly called for, upon the hypothesis that such an extension of the pre-emption privilege is contemplated.

The pre-emption laws originated and bestowed rights, but recognised none in the settlers as previously existing. I conceive they have no other rights in this respect than what the law confers; and that the pre-emption privilege may be considered little else than a mere benevolence, enabling the adventurer to appropriate to himself the choicest lands, most valuable mill seats, and localities for towns, at a vast cost to the public; or, in other words, preventing the receipt of vast sums into the Treasury. It is confidently believed that these privileges, covering at least four millions of acres of land, joined with outrageous combinations to intimidate purchasers, and other unjustifiable confederacies, have diminished the receipt for public lands, in the year 1835, full three millions of dollars, at a moderate estimate, below what they would have brought in fair competition. If frauds in pre-emptions were unknown, if no one obtained a pre-emption but upon a faithful compliance with the conditions prescribed, still, the selections of the most valuable lands and most desirable situations, at the minimum price, would produce an effect upon the reveuue too considerable to be overlooked by the financier. I should step out of my province as Commissioner, by arguing, officially, the questions, whether other considerations of public policy counterbalance this cost, or whether the settlers have extraordinary merits transcending this calculation, and accordingly abstain from the discussion.

If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter section of land. An allowance of half that quantity of the very best land is surely munificent; and if presumed poverty be one of the considerations for the grant, it may be observed that many a good farm in the West contains no more than an eighth of a section.

"The committee request you, sir, to furnish them with the best plan which occurs to you, of securing the right of pre-emption to actual settlers, and of preventing said frauds, viz: against the United States."

In relation to the first branch of this request, I have to observe, that the act of 1834, and the precautions already taken by the Commissioner, with the advice and approbation of the Secretary of the Treasury, appear to have provided sufficiently for the fair claimants under the present law.

The resolution is silent respecting the nature and extent of any future grants of this kind that may be contemplated, and the difficulty of devising a plan for their protection, under such circumstances, must be apparent.

The second part of the request presents a difficulty extraordinary. The temptation to abuse the charity of the Legislature is so radically intermixed, and so inextricably interwoven with the operation of the pre-emption laws, that I should despair of laying before you a plan altogether effectual for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments, that shall silence perjury and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of an immense gain attending their success. The conscientious will resort to no dishonest tricks; but the contagion of speculation is proverbial; and when an expectation may be entertained of obtaining, by indirection, for the lowest price, land worth from five to forty dollars per acre in the market, the inducement to perjury and fraudulent shifts will be too strong to be resisted by many of weaker morality. A scheme of extreme liberality towards the settlers might diminish the number of fraudulent cases, by partially removing the motive to such practices; but I do not imagine any project to defeat them altogether, so long as there remain legal restrictions upon the invasion of the public property by unlicensed intruders, who, by a statute unrepealed, are considered as trespassers, liable to be prosecuted as such, and to be forcibly removed, at the discretion of the President, as has heretofore been done. It will be seen, in the preceding remarks, that protection of the rights bestowed by the pre-emption act of 1834, is considered to be well provided for by that act, and by the liberal construction it has received, in instructions that have emanated under your sanction; and that similar provisions will suffice for similar cases in future concessions of the pre-emption privilege.

The practices by which the United States have been most defrauded in claims of this nature, are believed to consist, principally, of the misstatements or improper coloring of facts, and the evasions and prevarications of parties and witnesses. To obviate such iniquitous proceedings, it will be proper to provide a mode of subjecting the deponents to the test of a rigorous interrogation and cross-examination. I ask leave, however, to suggest that the interest of the Treasury seems to demand a guard against force as well as fraud. I allude to that system of terror that threatens the competitor for the purchase of public land with the vengeance of the settler with whose usurpation he may interfere.

In some quarters, this state of things is become formidable; probably finding its origin, in a great measure, in the pre-emption laws, whose repeated enactment may have led the settlers to the erroneous persuasion that they have acquired rights not given by law. Be this as it may, experience has shown that, by mutual support and open menace, they have succeeded in deterring others from bidding against them at the public sales; and it is evident that the prospect for the future is not less threatening. The injurious effect of the continuance of such acts upon the Treasury will be obvious to you.

Respectfully submitted.

E. A. BROWN, *Commissioner.*

To Hon. Levi Woodbury,
Secretary of the Treasury.

[DOCUMENTS APPENDED TO THE REPORT.]

No. 1.

A table showing the amount received for the sales of public lands in each State and Territory to the 30th September, 1835.

Year.	Ohio.	Indiana.	Illinois.	Missouri.	Alabama.	Mississippi.	Louisiana.	Michigan.	Arkansas.	Florida.	Total in each year.
From 1796 to 1800 inclusive,	$100,783 59	-	-	-	-	-	-	-	-	-	$100,783 59
1801	168,125 01	-	-	-	-	-	-	-	-	-	168,125 01
1802	188,628 02	-	-	-	-	-	-	-	-	-	188,628 02
1803	165,675 69	-	-	-	-	-	-	-	-	-	165,675 69
1804	487,526 79	-	-	-	-	-	-	-	-	-	487,526 79
1805	540,193 80	-	-	-	-	-	-	-	-	-	540,193 80
1806	765,245 73	-	-	-	-	-	-	-	-	-	765,245 73
1807	433,639 47	$13,000 50	-	-	-	$19,523 80	-	-	-	-	466,163 27
1808	594,400 84	32,830 51	-	-	$320 00	20,087 71	-	-	-	-	647,939 06
1809	395,451 19	41,431 57	-	-	320 00	5,049 57	-	-	-	-	442,252 33
1810	569,964 80	51,448 59	-	-	36,087 12	39,048 31	-	-	-	-	696,548 82
1811	886,821 21	75,794 99	-	-	46,388 24	31,333 09	-	-	-	-	1,040,237 53
1812	552,900 51	92,973 49	-	-	54,247 75	10,306 03	-	-	-	-	710,427 78
1813	691,324 13	70,533 40	-	-	42,359 61	31,438 00	-	-	-	-	835,655 14
1814	885,269 30	158,308 27	-	-	74,847 07	17,546 45	-	-	-	-	1,135,971 09
1815	974,396 75	172,426 80	$35,000 00	-	32,540 30	73,596 43	-	-	-	-	1,287,959 28
1816	993,313 07	341,487 34	55,105 96	-	162,520 66	165,558 00	-	-	-	-	1,717,985 03
1817	1,080,428 54	672,326 98	96,244 44	-	51,617 59	91,608 51	-	-	-	-	1,991,226 06
1818	902,311 88	538,318 93	368,038 80	$57,524 87	573,761 41	96,500 00	-	$71,108 88	-	-	2,606,564 77
1819	552,986 29	507,997 42	299,461 58	635,721 64	1,167,957 62	74,660 20	-	36,638 03	-	-	3,274,422 78
1820	398,260 62	400,423 42	134,355 15	148,645 50	431,025 65	116,104 31	-	7,066 96	-	-	1,635,871 61
1821	267,196 17	342,144 04	75,596 19	99,327 18	306,097 79	68,379 70	$46,733 20	7,494 19	-	-	1,212,966 46
1822	472,075 87	444,369 35	61,216 82	139,603 10	520,505 66	74,215 34	78,000 00	10,786 41	$2,819 00	-	1,803,581 54
1823	203,096 16	222,256 66	47,600 34	55,307 14	295,586 79	13,967 36	16,380 11	38,797 95	23,529 59	-	916,523 10
1824	234,330 01	203,082 11	74,669 37	126,318 02	204,312 36	88,477 94	3,000 00	50,026 01	202 33	-	984,418 15
1825	234,895 75	199,899 57	50,784 49	87,853 92	215,916 68	188,264 66	14,296 01	138,376 76	5,079 42	$80,724 30	1,216,090 56
1826	184,548 92	256,187 19	108,341 14	66,882 59	443,219 96	148,535 06	23,812 10	122,250 51	10,908 00	29,099 62	1,393,785 09
1827	306,105 34	343,887 08	50,717 52	188,341 52	127,232 36	88,995 16	120,543 08	59,200 70	5,226 00	205,596 50	1,495,845 26
1828	161,609 92	318,418 06	88,161 80	156,723 83	104,868 83	101,611 55	15,876 34	29,829 17	1,000 00	40,209 25	1,018,308 75
1829	187,909 53	348,959 52	198,609 72	235,013 29	259,606 31	116,648 87	28,000 00	70,275 74	1,238 00	70,914 15	1,517,175 13
1830	144,510 84	627,181 75	396,204 31	224,609 03	475,471 71	146,254 07	76,730 50	178,516 65	1,833 53	56,043 75	2,329,356 14
1831	304,386 22	572,664 12	375,260 27	341,994 06	925,028 26	173,780 93	83,870 93	388,848 07	3,955 50	40,997 13	3,210,815 48
1832	360,641 14	527,366 48	228,292 69	305,624 72	451,886 36	307,900 51	100,455 00	317,635 42	13,538 05	10,040 66	2,623,381 03
1833	475,812 82	469,839 82	374,138 51	334,860 02	531,722 54	1,153,054 83	108,018 09	501,272 79	18,114 27	10,847 86	3,967,681 55
1834	471,394 50	769,584 32	402,470 68	244,947 63	1,003,156 56	1,189,228 92	106,315 58	573,662 66	88,664 86	8,184 96	4,857,600 69
To 30th September, 1835,	443,815 62	706,369 93	1,836,343 21	436,916 50	1,558,543 50	2,186,306 14	177,057 53	1,359,129 66	460,493 78	3,625 00	9,166,590 89
	$16,780,177 04	$9,510,481 71	$5,365,611 99	$3,886,224 55	$10,097,347 68	$6,637,770 45	$999,087 47	$3,969,896 58	$636,642 33	$556,283 20	$58,619,523 00

Amount paid into the Treasury on account of the sales of the public land, from the earliest period to the 30th September, 1835,		$58,619,523 00
There was also paid, during the same period, for the public land, viz:		
Certificate of public debt and army land warrants,	$984,189 91	
Mississippi stock,	2,448,789 44	
United States stock,	257,660 73	
Forfeited land stock and military scrip,	1,719,333 53	
		5,409,973 61
		$64,029,496 61

No. 2.—*A table showing the quantity of land surveyed in each State and Territory, the amount sold in each, &c.*

States and Territories.	Estimated superficial contents of each State and Territory.	Estimated quantity of land to which the Indian title has been extinguished by the United States, 30th September, 1835.	Quantity of land surveyed and offered for sale in each State and Territory on the 30th September, 1835.	Quantity of land remaining unsold and liable to private entry on the 30th September, 1835.	Quantity of land sold in each State and Territory on the 30th September, 1835.	Estimated quantity of land surveyed but not offered for sale on the 30th September, 1835.	Estimated quantity of land in the States and Territories not ceded to the United States, 30th Sept. 1835.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Ohio, - -	24,923,899	24,777,683	14,703,163.10	4,100,492.18	A 10,602,670.92	6,438	146,216
Indiana, - -	22,032,469	21,020,167	18,690,447.53	10,299,608.62	8,390,838.91	299,520	1,012,302
Illinois, - -	32,321,947	32,321,947	21,574,495.45	17,234,014.35	4,340,481.10		
Missouri, - -	39,119,018	39,119,018	20,392,249.14	17,443,429.90	2,948,819.24		
Alabama, - -	32,174,640	30,654,000	29,915,088.56	22,586,058.56	7,329,030.00	158,621	1,520,640
Mississippi, - -	27,487,200	27,487,200	B 17,525,818.82	11,924,301.48	5,601,517.34	1,382,400	
Louisiana, - -	31,463,040	-	6,450,942.05	5,683,526.98	767,415.07	4,055,040	400,000
Arkansas, - -	37,555,200	36,955,200	13,891,538.31	13,223,175.80	668,362.51	829,440	600,000
Michigan, Peninsula,	24,209,567	17,189,407	12,211,519.37	9,003,697.49	3,207,821.88		7,020,160
Michigan, west of lake,	77,251,840	8,824,320	4,674,690.71	4,524,935.96	149,754.75	590,040	68,427,520
Florida, -	35,286,760	30,000,000	6,867,129.87	6,374,220.71	492,909.16	2,442,240	
Totals, -	383,825,580	268,348,942	166,897,082.91	122,397,462.03	44,499,620.88	9,772,739	79,126,838

Estimated quantity of land *within the limits of the United States*, west of the Mississippi river, and west of the organized limits of States and Territories—715,000,000 acres.

A. This quantity includes the lands sold at New York and Pittsburg, and the special sales to John Cleves Symmes and the Ohio Company, prior to the organization of the district land offices.

B. The lands ceded to the United States by the Chickasaw Indians, lying within the limits of the States of Mississippi and Alabama, by the treaty of 1832, and estimated to contain 6,422,400 acres, are not included in the lands "surveyed and offered for sale" in those States.

GENERAL LAND OFFICE, *January* 13, 1836.

ETHAN A. BROWN,
Commissioner.

No. 3.

Exhibit of the nett quantity of public lands sold, and the amount paid by purchasers, from the earliest period of sales to the 30th of September, 1835.

Date.	Quantity sold.	Amount paid by purchasers.
	Acres.	
From the year 1796 to June 30, 1820,	*13,649,641.10	$27,663,964 60
From July 1 to December 31, 1820,	303,404.09	424,962 26
In the year 1821,	781,213.32	1,169,224 98
Do. 1822,	801,226.18	1,023,267 83
Do. 1823,	653,319.52	850,136 26
Do. 1824,	749,323.04	953,799 03
Do. 1825,	893,461.69	1,205,068 37
Do. 1826,	848,082.26	1,128,617 27
Do. 1827,	926,727.76	1,318,105 36
Do. 1828,	965,600.36	1,221,357 99
Do. 1829,	1,244,860.01	1,572,863 54
Do. 1830,	1,929,733.79	2,433,432 94
Do. 1831,	2,777,856.88	3,557,023 76
Do. 1832,	2,462,342.16	3,115,376 09
Do. 1833,	3,856,227.56	4,972,284 84
Do. 1834,	4,658,218.71	6,099,981 04
1st, 2d, and 3d quarters of 1835,	†6,999,378.12	8,869,483 57
Aggregate to September 30, 1835,	44,500,616.55	$67,578,949 73

* The sales and payments made by purchasers are stated in the aggregate for the whole period of the credit system which terminated on the 30th June, 1820, in order to exhibit the nett amount of sales under that system, after deducting all lands which reverted to the United States by reason of the non-compliance of purchasers with the terms of contract; and also those which were relinquished by purchasers under the provisions of the various relief laws, which commenced in the year 1821.

† These aggregates include the special sales made prior to the organization of the land districts; also the amount of forfeited land stock, Mississippi stock, United States stock, and military land scrip.

A.

Statement showing the quantity of land unsold and liable to private entry in each of the districts of the State of Ohio, on the 1st of January, 1835.

In what year offered for sale.	Acres.	Acres.
Marietta, prior to 1800, -	9,480.00	
in 1805, - -	285,995.87	
		295,475.87
Steubenville, 1800, - -	-	10,697.77
Chillicothe, prior to 1808,* -	-	827,660.00
Zanesville, 1803, - -	-	338,797.41
Cincinnati, in 1801, except the reserved sections, which were not offered at the minimum price of $1 25 per acre till 1824, - -	-	165,235.00
Wooster, 1808, - -	-	23,216.09
Bucyrus, 1817, - -	23,175.18	
1820, - -	235,903.32	
1821, - -	229,991.76	
1822, - -	207,370.04	
1832, - -	1,556.46	
		697,996.76
Lima, 1820, 1821, and 1822,	-	1,951,288.00
Total, - -	-	4,310,366.90

* With a few exceptions.

B.

Statement showing the quantity of land unsold and liable to private entry in each of the districts of the State of Indiana, on the 1st of January, 1835.

In what year offered for sale.	Acres.	Acres.
Cincinnati, 1801,*	53,528	
1811,	174,976	228,504
Jeffersonville, 1807,	142,280.43	
1808,	496,671.54	
1807 and 1808,	58,148.42	
1808 and 1816,	70,520.45	
1808, 1816, & 1820,	4,841.26	
1808 and 1820,	115,661.66	
1816,	122,700.31	
1816 and 1820,	144,576.90	
1820,	178,078.71	1,333,479.68
Vincennes, 1807,	1,717,102.97	
1807 and 1816,	147,119.91	
1816,	1,107,019.04	
1816 and 1821,	33,234.52	
1821,	164,626.42	3,169,102.86
Indianapolis, 1820,	108,939.38	
1821,	213,953.77	
1822,	391,313.30	714,206.45
Crawfordsville, 1820, 1822, 1824, 1827, 1829, & 1830,	-	1,240,723.07
Fort Wayne, offered in 1823,	1,074,418.04	
1825,	325,445.24	
1830,	217,107.96	
1831,	325,995.99	
1832,	540,994.25	2,483,961.42
Laporte, 1830,	195,646.65	
1831,	134,974.26	
1832,	80,002.53	410,623.44
Total,	-	9,580,600.92

* The reserved sections were not offered for sale at the minimum price of $1 25 per acre till 1824.

JUNE 15, 1836.

Mr. Walker made the following report:

The Select Committee on the subject of graduating and reducing the price of the public lands to actual settlers, made the following report:

Your committee have given the subject referred to them that attention to which it is so justly entitled, and report a bill embracing, with some modifications, most of the principles contained in the act submitted for their consideration. They have adopted the principle that the public lands should be held as a sacred reserve for the cultivators of the soil; that monopolies, by individuals or companies, should be prevented; that sales should be made only in limited quantities to actual settlers, and the price in their favor reduced and graduated.

We also propose that the new States should be placed upon an equal footing in relation to grants of the public domain, and, consequently, that the same quantity of land granted to Ohio by the General Government should be ceded to all the other new States of the Union, and to each of the Territories, upon their admission as States of the Union.

The sale of the public lands in limited quantities to actual settlers only, was proposed by the President of the United States in his annual message to Congress of December, 1832. In that message the President recommended that the public lands, at moderate prices, "should be sold to settlers in limited parcels." A sale for settlement only, and not for speculation, is certainly most conformable to the great purposes for which these lands were ceded to the General Government.

The great object for which Virginia ceded the Northwestern territory is, as declared by her act of cession, that the territory so ceded "should be laid out and formed into States, containing a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances would admit; and that the States so formed should be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States." The same language, substantially, will be found in the other acts of cession of the public domain. States can only be formed by the settlement of a country. The settlement, then, of this territory, was the primary object of those who made as well as those who accepted the cession. A sale to settlers only, is then most in consonance with the spirit of the compacts by which these lands were acquired. It never was contemplated that the settlement of this territory should be arrested by the transfer of the soil from the Government to wealthy monopolists. Sales were intended for settlement, and not for speculation. Until within a few years past the sales were made almost exclusively for settlement; but now, the reverse is the fact. The sales within the last year have amounted to nearly thirteen millions of acres, being almost three times the amount sold in any preceding year. Eight millions of acres of these sales have probably been made for speculation, and not for settlement. This spirit of speculation in the public lands is increasing with alarming rapidity. Companies are forming in all directions to monopolize the ownership of the public domain, and thus be enabled to arrest the settlement and regulate the prosperity of the new States and Territories of the Union. A total and complete monopoly of the public lands by speculators is now contemplated, and the consequent withdrawal from the Government of all its power over this subject. This system will be deeply injurious to the interest of the old as well as of the new States. Vast sums will be taken from investment in the channels of productive industry in the old States, and invested in purchases of uncultivated lands. It is a bounty offered by Government for the annual withdrawal of capital from the useful pursuits of productive industry, for investment in waste lands, producing nothing, and, consequently, adding nothing to the general prosperity of the country. Agriculture, commerce, and manufactures, are all injuriously affected by this process. For a great period of time the moneys thus invested might as well be sunk in the ocean. Agriculture is not benefited, for settlement is retarded and not advanced by this system. Commerce and manufactures are injured by the annual sinking of so much of the active capital of the country. The vast sums thus invested during the present year have certainly greatly contributed to create the existing embarrassments; and as the evil progresses, the embarrassments will be increased and aggravated. It is then the interest of the old as well as the new States to arrest this annual investment of millions in unproductive pursuits. Were it arrested, these millions of dead capital would be adding yearly to the commerce, agriculture, and manufactures, of the whole country. When money is invested, even from the old States, in lands for settlement and cultivation only, in the new States, the annual products of the soil increase the wealth and prosperity of the whole country, and soon give back to the old States, through the channels of trade and business, more than the amount of the purchase-money of the land. But, if the citizens of a nation appropriate millions annually in the purchase of property yielding no income, the result is a great national loss. It is, then, the interest of the whole Union that these monopolies of the public lands should be arrested, and that capital should continually flow in the various channels of productive industry. If, among other causes, the existing embarrassments are now greatly attributable to the speculating investment of millions, during the past year, in wild lands, what will be the result if the system is permitted to continue for a series of years unabated? It is easy to foresee that the necessary consequence will be increasing distress and embarrassment, or at least a diminution of the national prosperity.

Your committee, then, present a bill, which will at once arrest the progress of this evil. To effect this great object, they propose, in the first place, to break up the system of sales of the public land at public auction, which, upon the aggregate of the sales of the last year, has produced but two cents and a small fraction per acre above the minimum price. Secondly, where two or more applications are made by different persons at the same time, for the same section of land, the preference in the purchase or entry shall be given to the first occupant, and when the tract has never been occupied by any of the applicants, then to the most aged of them. Thirdly, that no entry shall, in any case, be made by any one person, under the provisions of this act, for an amount exceeding one section of land. Fourthly, that no purchase or entry shall be made, in any case, without a previous affidavit by the applicant, that the land is designed to be entered for the use of the applicant only, and for the purpose of settlement and cultivation. Fifthly, that no patent shall, in any case, issue until three years after the purchase or entry, and proof on oath by at least two credible witnesses, before the register and receiver of the proper land district, of three years' continued occupancy and cultivation subsequent to the date of the entry, accompanied also by the affidavit of the applicant to the same facts. Sixthly, that any sale, contract for sale, lease, or contract for lease, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the purchase-money and title to the United States. Seventhly, that a failure to commence the occupancy of the land entered under the provisions of this law, within four months after the date of the entry, by the person who shall have made such entry, shall operate as a forfeiture of the title and purchase-money to the United States; and an abandonment of the occupancy by such person, within three years after the commencement thereof, shall operate a like forfeiture of the money and title to the United States. Eighthly, that no second purchase from the Government, or entry, shall be permitted, by any one who shall enter a section upon the terms and under the provisions of this law. Ninthly, that any one who is, at the date of this act, actually occupying and cultivating a tract of land, of which such person was the proprietor prior to the passage of this law, is permitted to purchase from the Government or enter any unoccupied adjoining tract, not exceeding one section, upon affidavit that the purchase or entry is made for the purpose of enlarging his or her farm, and not for speculation, and that no patent shall issue for such tract until the expiration of three years from the date of the purchase or entry, and that any sale, contract for sale, lease, or contract for lease, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the title and purchase-money to the United States. Tenthly, that any one swearing falsely, to obtain for him or herself, or for any other person, the benefit of the provisions of this act, shall be liable to all the pains and penalties of perjury; and that any person procuring another to swear falsely, to obtain for any one the benefits of this act, shall be guilty of subornation of perjury.

Some of these requisitions may be considered somewhat rigid, but they are not more so than may be necessary to introduce a system which, in its practical operations, will wholly prevent any future entries of the public domain for the purposes of speculation. Were this evil only diminished, much good would be effected. But your committee feel confident that the bill proposed by them will entirely suppress speculation in the public lands. Speculations would become impracticable after the adoption of this system, for the following reasons:

First. The speculator must be guilty of subornation of perjury, in procuring the settler to swear falsely, that he enters the land for settlement and cultivation by himself, when in fact he enters it to sell to another.

Secondly. The actual settler would be required to commit perjury, in taking the oath by which he enters the land.

Thirdly. The speculator must incur the hazard of punishment for subornation of perjury.

Fourthly. The settler would incur the hazard of punishment for the crime of perjury.

Fifthly. No speculator would furnish the money to enter the land on a contract of sale by the settler, because such contract would not only be null and void, but operate as a forfeiture of the title and purchase-money to the United States. No capitalist, therefore, would incur the hazard as well as guilt of such an arrangement.

Sixthly. No settler under this law would consent to be made the guilty instrument of an entry for speculation. It is against his interest, for, by consenting to make this entry for another, he forever forfeits the valuable privilege of making another entry for himself. Three years' continuous actual settlement and cultivation must precede the emanation of the patent and right to sell. Consequently, if the entry were made for the use of a speculator, he must have paid the settler, first, for incurring the guilt and hazard of perjury; secondly, for forfeiting the valuable privilege of ever entering a tract for himself; and, thirdly, for the loss of three years' time in occupying the land of another; and then the capitalist must have himself incurred the guilt and hazard of subornation of perjury, and the risk of losing his money and land by an entry in fraud of the law.

Seventhly. As the new States would be deeply interested in arresting the system of speculation and monopoly, the provisions of this law being in consonance with public opinion and public interest, would be rigidly and faithfully executed. No capitalist would dare attempt to procure a single entry for speculation in violation of this law, much less would he dream of the practicability of entering millions of acres every year by the employment of thousands of settlers. The expense, as well as the guilt and hazard, would be too enormous. An entry for speculation under the accumulated difficulties and expenditures arising under the provisions of this law, would be a loss, and not a speculation. When the speculator would have paid the settler for incurring the guilt and hazard of perjury, for forfeiting the privilege of entering another section for himself, and for three years' occupancy of the land, together with the original entrance-money to the Government and three years' interest, he could never sell the tract for cost and charges. To presume that even any frequent attempts would be made to violate the law, is to suppose the great body of settlers in the new States to be corrupt and vicious, the very reverse of which is the fact.

Under this system, then, lands being entered or purchased from the Government only for settlement and cultivation, the sales would be regulated by the annual increase of population in the new States and Territories. The estimate of this probable increase for the future can best be ascertained by reference to the past. The population of the new States and Territories of the Union erected out of the public domain, was, in 1800, only 59,632; in 1810, it was 410,057; in 1820, 1,230,334; and in 1830, it was 2,377,312. Thus, the increase from 1800 to 1810, was 350,425, or about 600 per cent.; the increase from 1810 to 1820, 820,277, or about 200 per cent.; the increase from 1820 to 1830, 1,146,978, or about 103 per cent. Thus, whilst the per centage of increase has diminished at every census, the actual increase, being on a larger capital, has augmented at every enumeration. Conceding that the ratio of increase in the States and Territories falls to 63 per cent., as exhibited by the census of 1840, still the increase from 1830 to 1840 would be about 1,500,000; and your committee believe it will exceed this estimate. Assuming the average of entries by the settlers to be a half section each, as none could enter more than a section, and many could not or would not enter more than one eighth, and assuming six as the usual average number of the family of each settler, himself inclusive, the quantity entered in ten years for settlement would be eighty millions of acres, or eight millions of acres per annum. But this must be reduced by the fact that there were 337,963 slaves in the new States and Territories, which could not be fairly included in averaging the family at six; and that, on this account, about one eighth must be deducted, which would reduce the amount entered annually for settlement to seven millions of acres. But it must also be remembered, that a very large portion of this annual increase of population would not enter lands, and that at least two millions of acres must be deducted on this account, and this will leave five millions of acres as about the true amount that would be entered annually for settlement. Your committee, however, believe that it would rather be less than more than this amount.

By the system proposed by the committee, about five millions of dollars per annum would be received from the sales of the public lands into the national Treasury. By sales for speculation, as well as settlement, assuming the present year as a criterion, about sixteen millions per annum, for a few years, it appears, would be realized. But, by these vast sales for speculation, all the valuable public lands would soon be entered, and the national domain soon cease to be a source of revenue. Thus, by the present system, we are exhausting this great fund for unnecessary revenue, instead of preserving it, as proposed by the committee, to yield a smaller annual amount, but for a much longer series of years, so as to render an increase of the tariff unnecessary. When the tariff reaches its lowest standard, in 1842, the revenue derived therefrom cannot much exceed $13,000,000. Let speculators by that period, or shortly thereafter, have entered all the public lands worth selling, at the minimum price, and an increase of the tariff becomes again inevitable. The system proposed by the committee will avoid these evils, by an annual addition of five millions of dollars, from sales of public land, to the revenue from duties on imports.

Having, as your committee hope, demonstrated the beneficial effects upon the whole Union of sales of the public lands for settlement only, they now proceed to the second branch of the subject—the reduction and graduation of the price of the public lands. The great argument heretofore urged against this measure has been, that it would throw the public lands, at reduced prices, into the hands of speculators. This argument, however, ceases to apply, under the provisions of this bill, by which the public lands can be sold for settlement only. The sales of the public lands operate as a continual drain upon the resources of the West. The tariff upon imports has been greatly reduced, but the general system of reduction has not been permitted to apply to the relief of the Western people, by the reduction of the price of the public lands. The revenues of the General Government are chiefly appropriated in the erection of fortifications, and improvement of harbors, and other expenditures in the Atlantic States. Small, indeed, is the amount appropriated for the new States, whilst annual millions are drained from them by the sale of the public lands, for expenditure upon the maritime frontier. The new States contributed their full proportion to the revenue from the consumption of imports, and pay, in addition, another vast sum into the national Treasury, from the sale of the public lands. Your diminution, then, of the burdens of the people, is unequal, when you refuse to diminish those burdens which operate only upon the people of the new States. Your reduction is sectional, because you refuse to apply it to the public lands, the great commodity purchased by the people of the new States. You fill your Treasury to overflowing with an unnecessary revenue, instead of reducing all the burdens of the people of every State of the Union. Upon the same principle might you refuse to reduce the tariff upon cotton-bagging, because it was purchased only by the South, or decline reducing the tariff upon dye-stuffs, because it was purchased only in the manufacturing States, as refuse a reduction in the price of the public lands, because purchased chiefly by the people of the West. In all these cases you are only yielding up a portion of the national revenue unnecessary for the wants of the Government, and your refusal to extend the reduction to the great commodity purchased by the people of the West is unjust and unequal.

The new States co-operated with the South in reducing their burdens by a reduction of the tariff, and yet, with pain and mortification, your committee perceive many Southern States co-operating with other of the old States, in refusing to extend to the people of the West the benefits of this system of reduction. That the new States, instead of menacing the Union, have submitted to this system of palpable injustice and inequality, affords a striking evidence of their devoted attachment to this confederacy, and presents a strong additional reason in favor of extending to them immediate and effectual relief.

Having proved, as your committee hope, that the price of the public lands ought to be reduced, the next question is, as to the rate of reduction. And here we recur to the act of Congress originating the system of selling the public lands, passed on the 20th of May, 1785. By this act the price was fixed at one dollar per acre. If this price was not too great for fresh lands then, when the Government was poor and oppressed by a heavy debt, it cannot be considered as too high now, when the Government is relieved from all debt, and is collecting a large unnecessary revenue. Were we to propose to reduce the price of fresh lands, never offered for sale, to the price fixed for similar lands by the act of 1785, there could be no just ground of complaint. Being, however, deeply solicitous to obtain the support of all the friends of moderate and gradual reduction, we do not propose to reduce at present the price of public lands that have been offered for sale. Our proposition is to reduce the price of all lands that now have remained, or hereafter shall have remained, five years subject to entry, and less than ten years, to one dollar per acre; ten years, and less than fifteen years, to ninety cents per acre; fifteen years, and less than twenty years, to eighty cents per acre; twenty years, and less than twenty-five years, to seventy cents per acre; twenty-five years, and less than thirty years, to sixty cents per acre; and all lands that shall have been thirty years and upwards subject to entry, shall be reduced to fifty cents per acre. As, under this system, all lands that have not been five years subject to entry will be sold at a dollar and a quarter per acre, and at a dollar per acre from the fifth until the tenth year, the average price at which the public lands would be sold would be at least a dollar per acre. It must be perfectly obvious to all, and the committee will establish the fact by authentic proofs, that the public lands are of very unequal value. In almost every township there is a great variation in the value of the public lands. Many lands that will never command the present minimum price per acre, might be sold at a price descending from the present standard to fifty cents per acre, whilst millions of acres are wholly unsusceptible of cultivation, and can never be sold at any but a nominal price. Why fix the same unvarying price upon all lands, the good as well as the inferior? The price should sink by a descending scale, graduated by the decreasing value. The nearest possible approximation to this descending rate of value, is the plan proposed by the committee. As a general rule, the lands that have remained for a series of years unsold, after they became subject to entry, must be less valuable than the fresh lands; and the value, as a general rule, diminishes with the length of time that the lands have been subject to entry. There are occasional exceptions to this rule, but not more than sufficient to prove its general application. This graduated scale of reduction is the nearest approximation to justice, whilst the unvarying price is the farthest from it. If all the public lands were at once reduced in price, without any graduation, the new and fresh lands would chiefly be sold; but the reduced prices will effect the sale of many inferior lands, that would never be sold at the present fixed minimum price per acre. The reduced price will operate chiefly in favor of the poorer class of citizens, who have not the means of paying the present price. It will enable many a day laborer to become a farmer and owner of the soil he cultivates.

Though that soil, purchased at the reduced price, may be less productive than the farm of his wealthy neighbor, yet it will be his own, it will be his home, and sufficiently fertile to supply the wants of himself and family. It will effect a change most beneficial in his condition, and highly conducive to the best interests of the nation. Shall the Atlantic States continue to drain vast sums of money for public lands from the people of the West, expend it on the seaboard, and refuse to diminish the burdens of the Western people, by reducing the price of the public lands? Such a system is unequal, unjust, and oppressive. To exhaust the resources of one section, for perpetual expenditures in another, cannot be equitable. Suppose the interior States would refuse appropriations for fortifications on the seaboard, upon the ground that, by leaving it defenceless, they would thereby tempt many of their citizens to emigrate to the West; this would be most unjust, and yet it is not more so than the refusal of the maritime States to reduce the price of the public lands, because such refusal would retard the growth of the West. The West has ever been willing to expend her treasure and her blood in defending the maritime cities; and shall the maritime States so legislate as to retard the settlement of the West? Such a course would neither be wise nor patriotic. It would impose perpetual and undiminishing burdens upon the people of one section, for the benefit of another, and render the Government of the Union an instrument of oppression and injustice.

The system we propose disrobes the Government of the character of a speculator, and the auxiliary of speculators, upon the pioneers of the West. The Government, under the present system, for the purpose of revenue only, is throwing the public domain into the hands of speculating monopolists. It will thus aid the sale, whilst it retards the settlement and cultivation, of the lands of the West. It is reviving many of the evils of the old feudal system of Europe. Under that system, the lands were owned in vast bodies, by a few wealthy barons, and leased by them to an empoverished and dependent tenantry. The same consequences must result from the monopolies now progressing in the public lands. Eight millions of acres of the public lands have probably passed during the last year into the hands of a few wealthy speculators, who will hold them up at an extravagant value. These lands, therefore, will remain unoccupied for many years, or occupied only by a dependent tenantry. This is deeply injurious to every portion of the Union. The owner and cultivator of a single farm confers greater benefits upon the community than the monopolist of thousands of acres, permitted to lie waste and uncultivated. The productions of the soil constitute the principal resources of this great nation. Upon the farming interest are all others dependent for their wealth and prosperity. That interest furnishes us not only with food and raiment at home, but sends abroad that hundred of millions in value of exports which is carrying onward so rapidly the prosperity of this republic. Every new farm that is cultivated in the West adds to the wealth and prosperity of the whole Union, whilst the investment of millions in uncultivated lands draws so much money from the channels of productive industry, and depresses the energies of the whole country. The one system will leave the lands of the West waste and uncultivated, the other will subdue the wilderness, and fill it with smiling farms and prosperous villages. The one system will place upon the lands of the West a few wandering and empoverished tenants, controlled by absentee landlords; the other will plant upon your soil a virtuous and independent yeomanry, the owners of the soil they cultivate. The one system will add thousands to your population and resources, thousands to the products of your soil, to your imports and your exports; the other system will invest millions in wholly unproductive capital, and arrest the settlement and cultivation of the soil.

This system of speculation has within the last year progressed to an extent alarming to every friend of equal rights, and should be terminated at once and forever. The monopolies will be terminated by the system proposed by the committee, and the public lands reserved as a perpetual inheritance for the farmers of the Union.

The bill of the committee will greatly augment the population of the Union. It is an undisputed principle of the law of population, that it is most rapidly increased by increasing the facilities of subsistence. The vast effects of this principle are illustrated by comparing the relative advance in population of Ohio, with any of the States upon the continent of Europe. Where, forty years past, was one vast and untrodden wilderness, now is a mighty State, with a population greatly exceeding a million, planted ere the present baleful spirit of speculation and monopoly of the public lands had seized upon the capitalists of the Union. No man will pretend that, if the Union had been confined to the original thirteen States, with their present boundaries, and the new States remained wholly unsettled and uncultivated, that the population of the Union would have been as large by several millions as it now is. Upon every principle that has governed the progress of population, there would now be at least two millions of people less within the limits of the Union, had that Union been confined to the present boundaries of the original thirteen States. A loss of two millions of people to this Union would be indeed incalculable. It would diminish one seventh the power and strength of this nation, both in war and in peace. It would greatly decrease the moral and physical power of this Union, render us less prosperous in peace, less powerful in war, more liable to foreign aggression, and less able to repel it. All the revenue from imports and from public lands bears no comparison with the value of two millions of people. Will the just, the humane, the generous people of the old States, desire to retain the poor man forever poor within their limits, when, by reducing the price of the public lands, they may enable him to procure for himself and family a happy home in the great valley of the West? Are the old States willing to avow the principle that they desire to restrain emigration to the West? It was one of the complaints of the thirteen States, in their declaration of independence, that the British Crown desired to retard our growth, by increasing the difficulties of obtaining lands in the colonies: and will these same thirteen States now act upon the same odious principle towards their sisters of the West? The resident of Rhode Island, who becomes a resident of Michigan, does not cease to be a citizen of the American Union; and if, by this change, he improves the condition of himself and family, why should Rhode Island object, when the increased prosperity of every American citizen augments the national strength and glory? Suppose that the new and the interior States should all act upon this narrow and selfish policy towards the States upon the Atlantic seaboard? Suppose they objected to fortifying the seacoast, upon the ground that it drained the money of their citizens for expenditures beyond their limits upon the maritime frontier: what would be the reply of the Atlantic States? It would be, that, in defending the seaboard States, the West aided in defending a part of the republic; and is not the argument equally just, that, in increasing the prosperity of the West, you augment the strength of the Union? Shall there, then, be no reciprocity of benefits, in conducting the affairs of this great republic? So long as the means of subsistence are easy, an increase of capital is nothing to a nation, compared with an increase of population. More especially is this true, when this population is composed of the productive and industrious classes, settled upon their own farms, and cultivating their own soil. But the system which would restrain emigration to the West reverses all these principles, and sacrifices the prosperity of the nation to sectional prejudices and sectional interests. The American statesman who loves his whole country should adopt that policy which will most rapidly increase the population of the whole nation. The inquiry should not be, what policy will best promote the interest of the old States or of the new States, but what will most rapidly increase the prosperity and population of the whole Union. Viewing the question in this light, the policy of cheapening to farmers and settlers the price of the public domain cannot be doubted.

The existing situation of a neighboring territory presents another strong inducement to reduce to settlers the price of the public lands. Texas has now passed from a successful revolution into an independent Government. Whether the people of this Union and the people of Texas (as your committee desire) will consent to its incorporation, as a part of this confederacy, is a question undetermined. Until this question is determined, Texas must be regarded, for the present, as an independent neighboring republic. Stretching, by the boundary which she will obtain, from the Sabine to the Del Norte, from latitude twenty-seven south of the Gulf of Mexico, and approximating latitude forty north, possessing every variety of climate from New England to Florida, a most salubrious atmosphere, a soil fitted for every variety of product, and inviting Northern as well as Southern emigration, Texas must, in any event, carry off a considerable portion of our population from every quarter of the Union. She possesses, within the above-mentioned limits, about two hundred and thirty millions of acres, being rather more than four times the extent of Virginia. Not more than twenty-five millions of acres of this vast domain are covered with valid grants. With this mighty territory, and a sparse population, Texas, being deeply solicitous to increase her physical strength, will do as every other State, possessing the control of its public domain, has done in all former periods. She will throw open this vast body of fresh and fertile lands to actual settlers, and to them alone, at prices nearly nominal. What will be the inevitable consequence? That the emigration from the old States, and from Europe, which now settles the public domain in the new States, will, unless we reduce the price of our public lands in favor of actual settlers, pass beyond our limits, and establish themselves in Texas. The poor man of the old States, who desires to obtain a farm for himself and family, and has not the money to pay our present prices, will necessarily go to Texas. Many, also, who can pay the present prices of our public lands, will also go to Texas, where they can get cheaper and equally fertile lands. If we keep up the price of our lands, whilst Texas fixes her lands at a nominal value, the exhausting effect upon the wealth and population of the whole Union can scarcely be calculated. It will greatly depress the navigating, commercial, and manufacturing interests of the North, and reduce the value of property throughout the Union. When emigrants from the old States settle in the new States, there being a perfect system of free trade between all the States, the prosperity of the new States reacts in favor of the old States, and improvement in any one State advances the prosperity of the whole Union. Every new farm settled in the West gives business to the merchant, the manufacturer, and freighter, of the old States, and adds to the wealth and prosperity of the whole Union. But not so with emigration from the old States to another republic. Our trade with such republic cannot be free. Other nations may furnish its supplies, and there is nothing in return to compensate us for the exhaustion of capital and emigration. We may greatly diminish these threatening evils by reducing to settlers the price of our public lands. If we reduce our lands to the standard fixed by Texas for her lands, the loss of the nation by emigration there will be comparatively small. But if we keep up the price of our lands, whilst Texas fixes her lands at a low rate, we shall lose by emigration at least a million of our population within the next ten years. Can any sum paid into the national Treasury compensate this nation for the loss of a million of her people? It cannot, and we should lose no time in endeavoring to prevent these threatened calamities. Should we refuse to act now, we will, when it is too late, when our population is gone, and property reduced in value, deplore our folly and want of foresight. The present emergency demands immediate action. Without this action the very life-blood of the Union will be exhausted, and a general depression of property, a languishing commerce, a decay of districts, towns, and cities, will certainly ensue. The current of emigration from one part of the Union to the other, from the old to the new States, rolls back a golden tide of trade and business. The old States now supply nearly all the wants of the farmers of the valley of the West, and hence its prosperity wonderfully promotes the welfare of the older States of the Union. The poor emigrant from the old States, who establishes a farm in the West, soon contributes more to the wealth and commerce of the State he left than if he had remained there in dependent poverty. The prosperity of the new States reacts, through the channels of trade and business, in favor of the old States, and hence the wonderful growth of the whole country.

The system we propose will have a wonderful tendency to perpetuate the Union. Under the existing laws, the public lands are now rapidly passing from the Government into the hands of speculators. Sales at the rate of thirteen millions of acres per annum will soon exhaust all that is worth selling of the public domain. But, if the sales be made only to settlers in limited quantities, this great domain will remain for a much longer period the property of the nation, for the sacred purpose only of establishing farms, and securing a freehold to the poorest American. Whilst the whole Union will derive from the sales for settlement only, such moderate and almost unfluctuating revenue as to render an increase of the tariff unnecessary, this noble domain will be filled annually with an industrious population, whose devotion to the Union will be greatly enhanced by the fact of their receiving their farms and homes at a cheap rate from a paternal Government. How different must be the effect of persevering in the present system?

The lands of the West passing into the hands of speculators, all reduction of the price even of inferior public lands refused, even the labor of the settler upon public lands is set up at auction by the Government, and many a tract, rendered only valuable by the improvements of the occupant, is made a subject of speculation; the new States drained annually of millions for expenditure in the seaboard States, and the prosperity of these new States sacrificed for unnecessary revenue. Such a policy must excite sectional feelings, and tend to weaken the bonds of our Union. That the West never has menaced, and we trust never will menace the Union, to obtain any advantage for herself, gives her a strong additional claim to the favorable consideration of the General Government. You have only realized about fifty millions of dollars from the sales of the public lands, but from duties you have received about seven hundred millions; and the more you promote the settlement and cultivation of the soil, the more rapidly will you increase the exports, and consequently augment the imports of the country; and how vastly has your revenue from imports been increased, and must continue to increase, from the settlement and cultivation of the soil of the West, and thus has added millions, and will add millions more, to your revenue from this source.

We hold it to be a sound maxim, that no more money should be collected from the people than is essential for the wants of the Government; all beyond this is tyranny. Government is an agency created by the people for their benefit, and that they should be drained of millions annually beyond the wants of this Government is the very essence of despotism. Leave all unnecessary surplus uncollected in the pockets of the people, and let each freeman expend his own money for such purposes as will, in his opinion, best promote the happiness of himself and family. If the General Government may collect fifty millions of unnecessary revenue, it may collect five hundred millions, and thus subvert the liberties of the people.

The remedy for a surplus revenue is simple: reduce the revenue, and the surplus disappears. Reduction, and not distribution, is the true policy of the Government. Reduce, and there is no necessity to distribute; but distribute, and you will never reduce. Now you have greatly reduced the revenue from duties on imports, decrease the revenue still further, by diminishing the price of the public lands, and confining the sales to actual settlers, and your dangerous surplus soon vanishes. Is this system of sales to speculators, at the same unvarying, unreduced price, to be perpetuated? If so, you perpetuate the system of surplus revenue. You drain annually from the people large amounts of unnecessary revenue. You fix the surplus system as the established policy of the Government, and persevere in enriching the Treasury annually at the expense of the people.

The General Government should never speculate upon the settlers of the public domain, nor aid others in so doing. There are two classes of speculators: one class, comprising many respectable citizens, who occasionally enter or purchase public lands unoccupied by any settler. Although no moral wrong is committed by these individuals, yet even this species of purchase or entry, for speculation, should be arrested, as contrary to the policy of the country, and calculated to retard future settlements. But there is another and very numerous class of speculations upon the public domain, not only permitted, but encouraged by our existing laws, and replete with fraud and extortion. It is this: Immediately succeeding the advertisement of large bodies of public lands for sale at auction by the United States, this second class of speculators explore the whole country advertised for sale, take the number of every quarter section upon which a settler is established, add the value of the improvement made upon the land, by the sweat of the brow of the industrious occupant, to the intrinsic worth of the waste land, and thus compel the settler to pay either the speculator or the Government, not the value of the land only, but, in addition, the value of the improvement made by the occupant himself, after years of toil and labor. In this way, either the speculator or the Government receives money for that which is not its own. It receives money for improvements which it has not made, and houses which it has not erected. It puts, without any compensation, the money for the labor of the settler into the public Treasury, or enables the speculator to put this money into his own pocket. By this system, the Government co-operates with the speculator in depriving the industrious occupant of all remuneration for his labor; and small indeed is the profit which the Government derives from this legalized system of plunder and spoliation.

The authentic records of the Land Office demonstrate that the speculator is the monopolist of nearly all the profit of this immoral, unjust, and oppressive system; a system which is a stain upon the honor of a great nation. The poor but industrious occupant generally attends the land sales, having no more money than a sum sufficient to buy the land he occupies at the minimum price; a speculator bids a few cents over him, and becomes the purchaser of the land, and the owner of an improved farm, paying not one cent for the value of the improvements. In other cases, where the settler has collected something more than the money sufficient to pay for the land he occupies, at the minimum price, and bids that sum, the speculator, by some secret agent employed by him, overbids the settler; the land is struck off to this agent, and the settler leaves the sales in disgust, to mourn over the injustice of the Government of the Union, and to prepare for the removal of himself and family from the little farm which he had improved and expected to have purchased from a paternal Government. After the departure of the settler, the tract is forfeited for non-payment, and the speculator purchases in his own name the forfeited tract, probably at the minimum price per acre. The scenes ensuing many of our land sales are scenes of the deepest distress and misery. They are scenes in which many families are driven forth from their homes, to seek some other spot in the wilderness, where keen-eyed avarice and sordid monopoly may not overtake them. But another land sale comes on, the same scene is repeated, till all hope is extinguished, and nothing is left to the settler but despair and ruin. Yet these scenes of fraud and cruelty are of constant occurrence, permitted and encouraged by the present system of the sales of the public lands at public auction. Your committee have said that the speculator, and not the Government, reaps nearly all the profit of these inglorious transactions, and this is proved by the records of the Land Office. By the documents from the Land Office it appears, that, taking all the sales of the public lands, from the adoption of the cash system, in July, 1820, down to the present period, the average price received by the Government upon these sales has been less than six cents per acre over the minimum price. And it is for this miserable pittance of less than six cents per acre that this great nation incurs the disgrace and dishonor of sending forth the remorseless speculator, authorized and encouraged by our existing laws, to drive from their homes those hardy pioneers who were erecting a home in the wilderness, those industrious and enterprising citizens who in peace suddue the forest and cultivate the soil, and who, whenever danger threatens their country, are the very first to march to the rescue. As there are no citizens more useful and more patriotic than these, so there are none more justly entitled to the regard of the Government. Yet these are the very men who, by the present system, are sacrificed, not for the benefit of the Government, but of speculators. Surely, then, such a system ought to be abandoned. Whilst, then, your committee do not propose the immediate reduction of the price of fresh lands, never offered for sale, they do recommend the total abandonment of the auction system, as productive of no benefit, except to the speculator, disgraceful to the Government, and fraught with the most corrupting consequences. In lieu of this system, your committee propose that all public lands, not yet offered at public sale, shall, at the expiration of four months after an advertisement of the returns of the surveys to the proper land office, become subject to entry at the present minimum price, but in all cases for settlement and cultivation only, and not for speculation; giving, in all cases, a preference to the first occupant, for the section which he cultivates, and upon which he resides; and the same system your committee apply to the land already subject to entry, at the prices as graduated and reduced by this bill. The system proposed by your committee is not the pre-emption system, but a substitute for it. As, however, the pre-emption system has been greatly traduced, and many, without investigation, have been led to believe that the Government has lost millions by the operation of this system, your committee will proceed to demonstrate, from authentic documents, that the total loss (if any) by this system, from the adoption of the cash sales, in July, 1820, to the present period, is, at the highest estimate, $143,259.

By Senate document No. 376, being a report from the Secretary of the Treasury, ordered to be printed May 19, 1836, it appears that the number of acres taken by pre-emptions, from the adoption of the cash system to the present period, is 2,387,650 acres, for all which the pre-emptioners paid the Government the price of $1 25 per acre. Now, by the documents from the Land Office before referred to, it appears that the average price obtained for all the public lands sold since the cash system is less than $1 31 per acre, being an excess of less than six cents over the minimum price. Now, multiply the total number of acres procured by pre-emptions, as before given, by six cents, and the result is $143,259, being the highest estimate of loss arising from the pre-emption system, instead of the millions upon millions so frequently proclaimed by the enemies of the system. By inquiry, however, at the Land Office, your committee have ascertained that a large body of lands sold to citizens of Louisiana under the various back-concession laws, selling at the minimum price the swamp lands in the rear to the owners of the front tracts, is embraced in this statement from the Treasury Department, which would still further reduce the loss; and the floats most unwisely attached to the pre-emption system of late years, and which have given rise to all the frauds complained of, have still further increased the estimate. This system of floats, now abandoned by all, should constitute no objection to the pre-emption system. The committee, however, have made no deductions on these accounts. Now, is the loss to the Government of this paltry sum, being less than $9,000 per annum, any equivalent for the proposed sacrifice to speculators of the farms of so many industrious citizens; and when we deduct from this sum the expenses attending land sales, additional to those incurred at sales by private entry, this supposed loss is still further greatly reduced. But the average price obtained for the public lands during the last year, which is the safest criterion, is but two cents and a small fraction over the minimum price per acre, the total of sales in 1835 (exclusive of two small returns not received) being 12,418,007.76 acres, and the price for the whole being $15,811,144 98. Taking, then, the sales of last year as the criterion, and the total estimate of the entire loss from this pre-emption system, multiplying 2,387,650 by two cents, would be $47,753, and deducting from this the additional expenses of land sales beyond the expenses of sales at private entry, and the loss to the Government cannot exceed five hundred dollars per annum. But, in fact, there is no loss from the system, for the occupancy of the land district by settlers preceding a land sale gives additional value to the unoccupied land, and causes it to bring a better price. Thus, by document No. 376, before referred to, the total number of acres covered by pre-emption claims in 1832 was but 49,971.17 acres; and in 1834, 637,597.59 acres; and in 1835, 574,936.85 acres; yet, in each of these two last years, the average price obtained for the public lands, as shown by the Land Office returns, is greater than in 1833, when less than one tenth the number of acres were covered by pre-emption claims. Nothing, then, in point of fact, is gained by the Government by the present system of public sales, whilst it introduces fraud and oppression, and a sacrifice of the industrious settler to the baleful spirit of speculation.

No nation but this speculates upon her citizens in the sale of the public domain. Great Britain, France, Spain, Mexico, gave their lands to their citizens upon the condition of settlement only. The various States of this Union having public lands of their own to sell, sell them at nominal prices to settlers, and not to speculators. From various State laws, of a similar character, we will quote from the laws of the State of Maine only. By the first section of her act of 1824, she declares that her lands, in limited quantities, "shall be sold to such persons only as may wish to become actual settlers," and the price fixed is "thirty cents per acre;" and, by the eighth section of the same act, there is secured to every actual settler, upon any tract, "a prior right of purchase." Here are the settlement and pre-emption principle both imbodied in the laws of Maine; and your committee believe that the same principles, substantially, will be found in the laws of all the States having public lands of their own within their limits; nor are the checks and guards against frauds in the laws of those States by any means so numerous and rigid as those proposed in this bill. Frauds may have occurred under the State laws which could not take place under the provisions of this bill. But because frauds may have been perpetrated in some cases upon lands in the old States, did those States consent, or would they ever have consented, to throw open all their lands for entry by speculating monopolists, and turn their citizens round to buy of them at exorbitant prices? Why should the old States confine the sales of their own lands to actual settlers, and refuse to act upon the same principles as regards the sale of the lands in the new States? Why sell to settlers only in their own States, and to speculators mainly in the new States? If these lands were within the limits of any old State, and subject to sale by their Legislatures, how soon would they reduce the price, and limit the sales to actual settlers? But now, how different the policy. The question seems to be, not what will best promote the settlement and cultivation of the soil of the West, but how can we derive most money from sales of the public lands to speculating monopolists.

There are many millions of acres of the public lands that will remain forever unsold at the present price. To hold these lands at a price that can never be obtained for them, is to violate the spirit of the compacts by which they were ceded to the General Government; which compacts declare that they shall be "disposed of." To refuse a sale altogether, would be a manifest infraction of the compacts; and is not the exaction of a price which the lands will never bring equivalent to a refusal to sell? But we are told by the opponents of reduction and graduation that the sales of the public lands are still progressing in the State of Ohio. But this State, as we will show, is an exception to the general rule. She has neither mountains nor vast inundated swamps, nor unproductive pine barrens, nor unculturable prairies, to create a large body of refuse lands. She has, as appears from the authentic documents, but 666,000 acres of public lands unsold, ascertained to be unfit for cultivation. Far different is the case in all the other new States and Territories of the Union.

By a resolution of the Senate of the 25th of April, 1828, the registers and receivers of all the various land districts were required to report the quantity, quality, and probable value, of the unsold public lands. This report was made in 1828, and we annex hereto, in a table marked "A," the estimates compiled from these reports. To this table your committee would desire to call the attention of the Senate. From this table it appears that but 666,000 acres of land were ascertained to be unfit for cultivation in the whole State of Ohio, and the average price of all the unsold public lands in Ohio was estimated at sixty-seven cents per acre; in Indiana the quantity unfit for cultivation 2,430,000, and the average price per acre, of all the unsold public lands, ninety cents; in Illinois 6,027,000 acres unfit for cultivation, and the average price per acre fifty cents, of all the unsold public lands; in Missouri, 5,700,000 acres unfit for cultivation, and the average price per acre of all the unsold public lands, twenty cents; in Alabama, 6,915,000 acres unfit for cultivation, average price per acre of all the unsold public lands, twenty cents; Mississippi, 8,294,000 acres unfit for cultivation, average price per acre, seventeen cents, of all the unsold public lands; Louisiana, unfit for cultivation, (very partial returns) 687,000 acres, average price per acre of all the unsold public lands, thirty-seven cents. From the annexed table, made out from the official returns, it appears that of the whole 83,110,873 acres unsold and subject to entry on the 30th of June, 1828, there were returned 34,278,000 acres unfit for cultivation; 5,614,000 acres first-rate, (no doubt now entered;) and the remainder, being 43,218,000 acres, inferior. But, from the general data from the land offices not making specific returns, but giving general information, at least 13,000,000 more must be set down as unfit for cultivation, making the total amount 56,218,000 acres unfit for cultivation. From the returns furnished, the average price per acre of the 83,110,873 subject to entry on the 30th June, 1828, is thirty cents. Now, should this vast body of public lands be held forever at one unvarying price of $1 25 cents per acre? Is such a course consonant with the spirit of the compacts by which these lands were acquired? Is it just to the States in which these lands are situate? Is it wise, as a mere question of revenue? Why hold at one unvarying price lands so utterly different in value? As well might you fix the golden eagle and a fifty-cent piece of silver at the same value, because they were of the same size, as to fix a section of refuse lands and a section of fresh lands at the same price, because their superficial extent was the same.

Your committee will select, from many cases of a similar character, that of the Augusta land office, Mississippi, as presented by the authentic returns. The number of acres unsold on the 30th of June, 1828, was 5,670,000 acres, the average price estimated by the register and receiver, five to eight cents per acre; first-rate, none; worth the minimum price, none; unfit for cultivation, 5,000,000 of acres; which land had then been subject to entry from five to eighteen years, and consequently has been now subject to entry from thirteen to twenty-six years. And is this land selling, or will it ever sell, at the present price? By the returns from the Commissioner of the Land Office, under date of the 21st of April, 1836, giving a statement of the lands purchased at that office, from its establishment to the close of the year 1830, when the valuable Choctaw lands were ceded, and shortly afterwards in part attached to this land district, it appears that the whole amount sold in the old district was 4,700 acres, and not an acre beyond the minimum price. This presents conclusive evidence that these lands never will sell at the present price, and that they are truly estimated, by the register and receiver of the land district, at an average price of from five to eight cents per acre. At the present rate of sales for the last twenty-six years, exhibited by the above returns from that office, it would require 7,839 years to sell not only one half the lands in the Augusta land district, being a period exceeding the time from the creation of the earth to the present moment; and many other of the old land districts will exhibit nearly similar results. By the returns from the Land Office under date of the 27th of April, 1836, it appears there were then subject to entry at private sale 119,259,728.34 acres, showing that the refuse has increased 36,148,855 since the 30th of June, 1828, and must continue to increase, as new districts are from time to time exposed for sale. Taking the average of the value of the refuse of 1828 as a fair estimate of the value of the refuse of 1836, there would now be in market at least 80,000,000 of acres not worth the minimum price, and at least 60,000,000 of this 80,000,000 unfit for cultivation. But it may be asked, whence, then, come the present large sales of the public lands? These sales and entries arise from the following sources: 1st, from the sales of a small portion of the lands embraced in table A, as subject to entry on the 30th of June, 1828, leaving the present unsold balances of those lands still less valuable; 2dly, and almost entirely, from the prodigious quantity of fresh land offered for sale since the 30th of June, 1828—the whole quantity offered for sale up to the 1st of January, 1836, being 169,178,042, and the refuse 119,259,728. Why, then, hold up this immense mass of refuse lands at prices the lands will never bring? The graduation principle is the nearest approach to justice which can be devised, whilst the refusal to graduate is the most unjust and unequal. The new States seem to be looked to now, rather as a source of revenue from the sales of their lands, than with a view to the promotion of their settlement and prosperity. Calculations of the increased population of the new States are held up to the jealous scrutiny of the people of the old States, as if the new States were not members of the same confederacy, and as if those calculations were not most useful which would demonstrate what system would best promote the welfare and prosperity of the whole Union. Our wonderful growth as a nation has been mainly promoted by the settlement of the West.

And have not the people who settle these new States stronger claims to the consideration of the Government, in regard to the disposition of the public domain, than the older members of the confederacy? The people who have settled and are settling the new States give to your public domain there nearly all its value. But for them, those lands would still remain a mighty wilderness, like the lands of Oregon, utterly valueless, however fertile, because it was a wilderness. The people who settle the new States encounter many difficulties and dangers. In the early settlement of the country they are generally surrounded by a savage foe, and the soil they cultivate is often moistened by their blood. The life of the pioneer is almost universally one of toil and danger. He can enjoy but few of the comforts, and none of the luxuries of life. To subdue the wilderness is not an easy conquest. The early settlers of a new country enter the mighty forests of the West, finding your lands there bearing no value. They explore and conquer the wilderness; they make roads and bridges, towns and cities, with their own labor and their own capital, and thus give to your public lands nearly all their market value. They give these States to the Union, and have surely a stronger claim upon you, as regards the disposition of the public lands, than any people who have never seen these new States, and expended neither time nor capital in improving the lands within their limits. Take from the new States the labor and capital employed there by their citizens, and your public lands would have little or no market value. These are facts that should never be forgotten by the just and generous citizens of the older States of the Union. Let us sell, then, only for settlement and cultivation, and at reduced prices, and we will make some return to the new States for the value which their labor and capital have given and are giving to your public domain.

The committee proposes the sale and entry of all the public lands in forty-acre lots—a measure highly important to the poorer class of citizens, and injurious to no interest whatever. We also recommend that all public lands which shall have remained unsold for thirty-five years after they become subject to entry, shall be ceded to the States, respectively, in which such unsaleable refuse is situate, at the price paid by the United States for surveying the lands.

If we may take Ohio as an example, less than a million of acres will be obtained by any State under this provision. If more land than this is obtained by any one State, it will be because the refuse remaining unsold, after a lapse of thirty-five years from the period of its becoming subject to entry in such State, will be almost wholly unfit for cultivation, and would not, from the nett proceeds of the sales, pay the expenses incurred by the Government for continuing the land offices in those States. Your committee herewith report a bill conformable to the principles of this report.

TABLE A.

Compiled from the returns made to the Senate of the United States, in 1828, by the registers and receivers of the various land offices, in pursuance of a resolution of the Senate of April 25, 1828.

State and district.	Quantity unsold at $1 25 per acre, on 30th June, 1828.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by the United States.	Offered as gifts by foreign Powers.
	Acres.	Acres.	Acres.	Cents.	Years.	Years.
Marietta, Ohio,	406,000	None, -	100,000	50	8 to 28	
Zanesville, do.	647,900	None, -	- -	-	8 to 24	
Steubenville, do.	131,835	None, -	None, -	100	8 to 28	
Chilicothe, do.	1,011,928	None, -	126,000	75	8 to 28	
Cincinnati, do.	800,000	- -	- -	103	8 to 28	
Wooster, do.	162,483	None, -	40,000	90	8 to 24	
Piqua, do.	2,294,000	- -	- -	-	6 to 8	
Delaware, do.	1,641,900	200,000	400,000	50	4 to 7	
Total in Ohio, -	7,196,256	200,000	666,000			
Jeffersonville, Indiana,	1,499,926	70,000	280,000	44	8 to 20	
Vincennes, do.	3,406,445	850,000	1,700,000	-	6 to 21	100
Crawfordsville, do.	1,952,260	- -	100,000	125	1 to 8	
Indianapolis, do.	1,842,000	350,000	350,000	-	4 to 8	
Fort Wayne, do.	1,546,000	200,000	- -	-	2 to 5	
Total in Indiana, -	10,245,625	1,470,000	2,430,000			
Kaskaskia, Illinois,	1,480,000	- -	- -	-	1 to 12	100
Shawneetown, do.	2,689,000	1,995,000	298,000	100	7 to 14	
Edwardsville, do.	2,788,000	118,000	1,195,000	48	3 to 12	
Vandalia, do.	2,793,000	900,000	1,800,000	54	4 to 7	
Palestine, do.	2,496,000	500,000	1,000,000	30	5 to 7	
Springfield, do.	1,947,000	212,000	1,734,000	12½	1 to 4	
Total in Illinois, -	13,195,000	2,935,000	6,027,000			
St. Louis, Missouri,	2,219,000	None, -	1,600,000	15	3 to 10	40
Franklin, do.	2,709,000	- -	- -	-	3 to 10	40
Jackson, do.	4,430,000	88,000	4,000,000	12½	2 to 8	40
Palmyra, do.	2,513,000	71,000	100,000	-	3 to 10	40
Lexington, do.	1,700,000	- -	- -	62½	1 to 4	
Total in Missouri, -	13,574,000	159,000	5,700,000			
St. Stephen's, Alabama,	2,200,000	- -	- -	-	4 to 16	100
Cahaba, do.	2,418,000	- -	- -	-	7 to 10	
Huntsville, do.	3,322,000	None, -	2,100,000	-	7 to 19	
Tuscaloosa, do.	3,149,000	None, -	3,000,000	5	2 to 7	
Sparta, do.	2,502,000	687,000	1,815,000	40	1 to 5	
Total in Alabama, -	13,613,000	687,000	6,915,000			
Washington, Mississippi,	1,870,000	None, -	1,179,000	40	7 to 20	75
Mount Salus, do.	3,230,000	Very little,	2,115,000	25	1 to 5	
Augusta, do.	5,670,000	None, -	5,000,000	5 to 8	5 to 18	100
Total in Mississippi, -	10,670,000	- -	8,294,000			

Table A—Continued.

State and district.	Quantity unsold at $1 25 per acre, on 30th June, 1828.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by the United States.	Offered as gifts by foreign Powers.
	Acres.	Acres.	Acres.	Cents.	Years.	Years.
New Orleans, Louisiana,	- -	- -	Nearly all,	-	1 to 4	80
Ouachita, do.	1,389,000	95,000	740,000	26	2 to 6	80
Opelousas, do.	1,266,000	Very little,	- -	50	2 to 10	80
St. Helena, do.	- -	Very little,	Nearly all.			
Total in Louisiana, -	2,655,000	95,000	740,000			
Detroit, Michigan,	3,162,926	- -	- -	-	1 to 11	100
Monroe, do.	1,120,000	- -	- -	-	2 to 4	
Little Rock, Arkansas,	2,758,554	Little, -	Great, -	-	2 to 7	40
Batesville, do.	2,683,671	53,000	2,500,000	3½	2 to 6	40
Tallahassee, Florida,	1,571,810	10,000	1,000,000	10	1 to 3	100
St. Augustine, do.	312,731	5,000	5,000	50	½	100
Aggregate, - -	83,110,873	5,614,000	34,278,000			

February 4, 1836.

INCENDIARY PUBLICATIONS.

Mr. Calhoun made the following report:

The select committee to whom was referred that portion of the President's message which relates to the attempts to circulate, through the mail, inflammatory appeals, to excite the slaves to insurrection, submit the following report:

The committee fully concur with the President as to the character and tendency of the papers which have been attempted to be circulated in the South, through the mail, and participate with him in the indignant regret which he expresses at conduct so destructive of the peace and harmony of the country, and so repugnant to the constitution and the dictates of humanity and religion. They also concur in the hope that, if the strong tone of disapprobation which these unconstitutional and wicked attempts have called forth does not arrest them, the non-slaveholding States will be prompt to exercise their power to suppress them, as far as their authority extends. But, while they agree with the President as to the evil and its highly dangerous tendency, and the necessity of arresting it, they have not been able to assent to the measure of redress which he recommends—that Congress should pass a law prohibiting, under severe penalty, the transmission of incendiary publications, through the mail, intended to instigate the slaves to insurrection.

After the most careful and deliberate investigation, they have been constrained to adopt the conclusion that Congress has not the power to pass such a law; that it would be a violation of one of the most sacred provisions of the constitution, and subversive of reserved powers essential to the preservation of the domestic institutions of the slaveholding States, and, with them, their peace and security. Concurring, as they do, with the President, in the magnitude of the evil and the necessity of its suppression, it would have been the cause of deep regret to the committee, if they thought the difference of opinion, as to the right of Congress, would deprive the slaveholding States of any portion of the protection which the measure recommended by the President was intended to afford them. On the contrary, they believe all the protection intended may be afforded, according to the views they take of the power of Congress, without infringing on any provision of the constitution on one side, or the reserved rights of the States on the other.

The committee, with these preliminary remarks, will now proceed to establish the positions which they have assumed, beginning with the first—that the passage of a law would be a violation of an express provision of the constitution.

In the discussion of this point, the committee do not deem it necessary to inquire whether the right to pass such a law can be derived from the power to establish post offices and post roads, or from the trust "of preserving the relation created by the constitution between the States," as supposed by the President. However ingenious or plausible the argument may be, by which it may be attempted to derive the right from these, or any other sources, they must fall short of their object. The jealous spirit of liberty which characterized our ancestors at the period when the constitution was adopted, forever closed the door by which the right might be implied from any of the granted powers, or any other source, if there be any other. The committee refer to the amended article of the constitution which, among other things, provides that Congress shall pass no law which shall abridge the liberty of the press—a provision which interposes, as will be hereafter shown, an insuperable objection to the measure recommended by the President. That the true meaning of this provision may be fully comprehended, as bearing on the point under consideration, it will be necessary to recur briefly to the history of the adoption of the constitution.

It is well known that great opposition was made to the adoption of the constitution. It was acknowledged, on all sides, at the time, that the old confederation, from its weakness, had failed, and that something must be done to save the country from anarchy and convulsion; yet, so high was the spirit of liberty, so jealous were our ancestors of that day of power, that the utmost efforts were necessary, under all the then existing pressure, to obtain the assent of the States to the ratification of the constitution. Among the many objections to its adoption, none were more successfully urged, than the absence in the instrument of those general provisions which experience had shown to be necessary to guard the outworks of liberty: such as the freedom of the press and of speech, the rights of conscience, of trial by jury, and others of like character. It was the belief of those jealous and watchful guardians of liberty, who viewed the adoption of the constitution with so much apprehension, that all these sacred barriers, without some positive provision to protect them, would, by the power of construction, be undermined and prostrated. So strong was this apprehension, that it was impossible to obtain a ratification of the instrument in many of the States, without accompanying it with the recommendation to incorporate in the constitution various articles, as amendments, intended to remove this defect, and guard against the danger apprehended, by placing these important rights beyond the possible encroachment of Congress. One of the most important of these is that which stands at the head of the list of amended articles, and which, among other things, as has been stated, prohibits the passage of any law abridging the freedom of the press, and which left that important barrier against power under the exclusive authority and control of the States.

That it was the object of this provision to place the freedom of the press beyond the possible interference of Congress, is a doctrine not now advanced for the first time. It is the ground taken, and so ably sustained by Mr. Madison, in his celebrated report to the Virginia Legislature, in 1799, against the alien and sedition law, and which conclusively settled the principle that Congress has no right, in any form, or in any manner, to interfere with the freedom of the press.[*] The establishment of this principle not only overthrew the sedition act, but was the leading cause of the great political revolution which, in 1801, brought the republican party, with Mr. Jefferson at its head, into power.

With these remarks, the committee will turn to the sedition act, in order to show the identity in principle between it and the act which the message recommends to be passed, as far as it relates to the freedom of the press. Among its other provisions, it inflicted punishment on all persons who should publish any false, scandalous, or malicious writing against the Government, with intent to defame the same, or bring it into contempt or disrepute. Assuming this provision to be unconstitutional, as abridging the freedom of the press, which no one now doubts, it will not be difficult to show that if, instead of inflicting punishment for publishing, the act had inflicted punishment for circulating through the mail, for the same offence, it would have been equally unconstitutional. The one would have abridged the freedom of the press as effectually as the other. The object of publishing is circulation; and to prohibit circulation is, in effect, to prohibit publication. They both have a common object—the communication of sentiments and opinions to the public; and the prohibition of one may as effectually suppress such communication as the prohibition of the other, and, of course, would as effectually interfere with the freedom of the press, and be equally unconstitutional.

But to understand more fully the extent of the control which the right of prohibiting circulation through the mail would give to the Government over the press, it must be borne in mind that the power of Congress over the Post Office and the mail is an exclusive power. It must also be remembered that Congress, in the exercise of this power, may declare any road or navigable water to be a post road; and that, by the act of 1825, it is provided "that no stage, or other vehicle which regularly performs trips on a post road, or on a road parallel to it, shall carry letters." The same provision extends to packets, boats, or other vessels, on navigable waters. Like provision may be extended to newspapers and pamphlets; which, if it be admitted that Congress has the right to discriminate in reference to their character, what papers shall or what shall not be transmitted by the mail, would subject the freedom of the press, on all subjects, political, moral, and religious, completely to its will and pleasure. It would, in fact, in some respects, more effectually control the freedom of the press than any sedition law, however severe its penalties. The mandate of the Government alone would be sufficient to close the door against circulation through the mail, and thus, at its sole will and pleasure, might intercept all communication between the press and the people; while it would require the intervention of courts and juries to enforce the provisions of a sedition law, which experience has shown are not always passive and willing instruments in the hands of Government, where the freedom of the press is concerned.

From these remarks, it must be apparent that to prohibit publication on one side, and circulation through the mail on the other, of any paper, on account of its religious, moral, or political character, rests on the same principle, and that each is equally an abridgment of the freedom of the press, and a violation of the constitution. It would indeed have been but a poor triumph for the cause of liberty, in the great contest of 1799, had the sedition law been put down on principles that would have left Congress free to suppress the circulation, through the mail, of the very publications which that odious act was intended to prohibit. The authors of that memorable achievement would have had but slender claims on the gratitude of posterity, if their victory over the encroachment of power had been left so imperfect.

It will, after what has been said, require but few remarks to show that the same principle which applied to the sedition law would apply equally to a law punishing, by Congress, such incendiary publications as are referred to in the message, and of course to the passage of a law prohibiting their transmission through the mail. The principle on which the sedition act was condemned as unconstitutional was a general one, and not limited in its application to that act. It withdraws from Congress all right of interference with the press, in any form or shape whatever; and the sedition law was put down as unconstitutional, not because it prohibited publications against the Government, but because it interfered, at all, with the press. The prohibition of any publication, on the ground of its being immoral, irreligious, or intended to excite rebellion or insurrection, would have been equally unconstitutional; and, from parity of reason, the suppression of their circulation through the mail would be no less so.

But, as conclusive as these reasons are against the right, there are others not less so, derived from the powers reserved to the States, which the committee will next proceed to consider.

The message, as has been stated, recommends that Congress should pass a law to punish the transmission, through the mail, of incendiary publications intended to instigate the slaves to insurrection. It of course assumes for Congress a right to determine what papers are incendiary and intended to excite insurrection. The question, then, is, has Congress such a right? A question of vital importance to the slaveholding States, as will appear in the course of the discussion.

After examining this question with due deliberation, in all its bearings, the committee are of opinion, not only that Congress has not the right, but to admit it would be fatal to those States. Nothing is more clear than that the admission of the right, on the part of Congress, to determine what papers are incendiary, and as such to prohibit their circulation through the mail, necessarily involves the right to determine what are not incendiary, and to enforce their circulation. Nor is it less certain that to admit such a right would be virtually to clothe Congress with the power to abolish slavery, by giving it the means of breaking down all the barriers which the slaveholding States have erected for the protection of their lives and property. It would give Congress, without regard to the prohibition laws of the States, the authority to open the gates to the flood of incendiary publications which are ready to break into those States, and to punish all who dare resist as criminals. Fortunately,

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[*] The article is in the following words:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Congress has no such right. The internal peace and security of the States are under the protection of the States themselves, to the entire exclusion of all authority and control on the part of Congress. It belongs to them, and not to Congress, to determine what is, or is not, calculated to disturb their peace and security, and, of course, in the case under consideration, it belongs to the slaveholding States to determine what is incendiary and intended to incite to insurrection, and to adopt such defensive measures as may be necessary for their security, with unlimited means of carrying them into effect, except such as may be expressly inhibited to the States by the constitution. To establish the truth of this position, so essential to the safety of those States, it would seem sufficient to appeal to their constant exercise of this right, at all times, without restriction or question, both before and since the adoption of the constitution. But, on a point of so much importance, which may involve the safety, if not the existence itself, of an entire section of the Union, it will be proper to trace it to its origin, in order to place it on a more immovable foundation.

That the States which form our Federal Union are sovereign and independent communities, bound together by a constitutional compact, and are possessed of all the powers belonging to distinct and separate States, excepting such as are delegated to be exercised by the General Government, is assumed as unquestionable. The compact itself expressly provides that all powers not delegated are reserved to the States and the people. To ascertain, then, whether the power in question is delegated or reserved, it is only necessary to ascertain whether it is to be found among the enumerated powers or not. If it be not among them, it belongs, of course, to the reserved powers. On turning to the constitution, it will be seen that, while the power of defending the country against external danger is found among the enumerated, the instrument is wholly silent as to the power of defending the internal peace and security of the States, and, of course, reserves to the States this important power, as it stood before the adoption of the constitution, with no other limitation, as has been stated, except such as are expressly prescribed by the instrument itself. From what has been stated, it may be inferred that the right of a State to defend itself against internal dangers is a part of the great, primary, and inherent right of self-defence, which, by the laws of nature, belongs to all communities; and so jealous were the States of this essential right, without which their independence could not be preserved, that it is expressly provided by the constitution,* that the General Government shall not assist a State, even in case of domestic violence, except on the application of the authorities of the State itself; thus excluding, by a necessary consequence, its interference in all other cases.

Having now shown that it belongs to the slaveholding States, whose institutions are in danger, and not to Congress, as is supposed by the message, to determine what papers are incendiary and intended to excite insurrection among the slaves, it remains to inquire, in the next place, what are the corresponding duties of the General Government, and the other States, from within whose limits and jurisdiction their institutions are attacked; a subject intimately connected with that with which the committee are immediately charged, and which, at the present juncture, ought to be fully understood by all the parties. The committee will begin with the first.

It may not be entirely useless to premise that rights and duties are reciprocal; the existence of a right always implying the corresponding duty. If, consequently, the right to protect her internal peace and security belongs to a State, the General Government is bound to respect the measures adopted by her for that purpose, and to co-operate in their execution, as far as its delegated powers may admit or the measure may require. Thus, in the present case, the slaveholding States having the unquestionable right to pass all such laws as may be necessary to maintain the existing relation between master and slave in those States, their right, of course, to prohibit the circulation of any publication or any intercourse calculated to disturb or destroy that relation is incontrovertible. In the execution of the measures which may be adopted by the States for this purpose, the powers of Congress over the mail, and of regulating commerce with foreign nations and between the States, may require co-operation on the part of the General Government; and it is bound, in conformity to the principle established, to respect the laws of the State in their exercise, and so to modify its acts as not only to violate those of the States, but, as far as practicable, to co-operate in their execution. The practice of the Government has been in conformity to these views.

By the act of the 28th of February, 1803, entitled "An act to prevent the importation of certain persons into certain States," where, by the laws of those States, their importation is prohibited, masters or captains of ships or vessels are forbidden, under severe penalty, "to import or bring, or cause to be imported or brought, any negro, or mulatto, or person of color, not being a native, or citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good Hope, into any port or place which shall be situated in any State which, by law, has prohibited, or shall prohibit, the admission or importation of such negro, mulatto, or other person of color." This provision speaks for itself, and requires no illustration. It is a case in point, and fully embraces the principle laid down. To the same effect is the act of the 25th of February, 1799, respecting quarantine and health laws, which, as belonging to the internal police of the States, stand on the same ground. The act, among other things, "directs the collectors and all other revenue officers, the masters and crews of the revenue cutters, and the military officers in command on the station, to co-operate faithfully in the execution of the quarantine and other restrictions which the health laws of the State may establish."

The principles embraced by these acts, in relation to the commercial intercourse of the country, are equally applicable to the intercourse by mail. There may, indeed, be more difficulty in co-operating with the States in the latter than in the former, but that cannot possibly affect the principle. Regarding it, then, as established both by reason and precedents, the committee, in conformity with it, have prepared a bill, and directed their chairman to report the same to the Senate, prohibiting, under the penalty of fine and dismission from office, any deputy postmaster, in any State, Territory, or District, from knowingly receiving and putting into the mail any letter, packet, pamphlet, paper, or pictorial representation, directed to any post office or person in a State, Territory, or District, by the laws of which the circulation of the same is forbidden; and also prohibiting, under a like penalty, any deputy postmaster in said State, Territory, or District, from knowingly delivering the same, except to such persons as may be authorized to receive them by the civil authority of said State, Territory, or District.

It remains next to inquire into the duty of the States from within whose limits and jurisdiction the internal peace and security of the slaveholding States are endangered.

In order to comprehend more fully the nature and extent of their duty, it will be necessary to make a few remarks on the relations which exist between the States of our Federal Union, with the rights and obligations reciprocally resulting from such relations.

It has already been stated that the States which compose our Federal Union are sovereign and independent communities, united by a constitutional compact. Among its members the laws of nations are in full force and obligation, except as altered or modified by the compact; and, of course, the States possess, with that exception, all the rights, and are subject to all the duties, which separate and distinct communities possess, or to which they are subject. Among these are comprehended the obligation which all States are under to prevent their citizens from disturbing the peace or endangering the security of other States; and in case of being disturbed or endangered, the right of the latter to demand of the former to adopt such measures as will prevent their recurrence, and if refused or neglected, to resort to such measures as its protection may require. This right remains, of course, in force among the States of this Union, with such limitations as are imposed expressly by the constitution. Within their limits, the rights of the slaveholding States are as full to demand of the States within whose limits and jurisdiction their peace is assailed, to adopt the measures necessary to prevent the same, and, if refused or neglected, to resort to means to protect themselues, as if they were separate and independent communities.

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* See 4th article, 4th section, of the constitution.

Those States, on the other hand, are not only under all the obligations which independent communities would be, to adopt such measures, but also under the obligation which the constitution superadds, rendered more sacred, if possible, by the fact that, while the Union imposes restrictions on the right of the slaveholding States to defend themselves, it affords the medium through which their peace and security are assailed. It is not the intention of the committee to inquire what those restrictions are, and what are the means which, under the constitution, are left to the slaveholding States to protect themselves. The period has not yet come, and they trust never will, when it may be necessary to decide those questions; but come it must, unless the States whose duty it is to suppress the danger shall see in time its magnitude, and the obligations which they are under to adopt speedy and effectual measures to arrest its further progress. That the full force of this obligation may be understood by all parties, the committee propose, in conclusion, to touch briefly on the movements of the abolitionists, with the view of showing the dangerous consequences to which they must lead if not arrested.

Their professed object is the emancipation of slaves in the Southern States, which they propose to accomplish through the agency of organized societies, spread throughout the non-slaveholding States, and a powerful press, directed mainly to excite, in the other States, hatred and abhorrence against the institutions and citizens of the slaveholding States, by addresses, lectures, and pictorial representations, abounding in false and exaggerated statements.

If the magnitude of the mischief affords, in any degree, the measure by which to judge of the criminality of a project, few have ever been devised to be compared with the present, whether the end be regarded, or the means by which it is proposed to be accomplished. The blindness of fanaticism is proverbial. With more zeal than understanding, it constantly misconceives the nature of the object at which it aims, and towards which it rushes with headlong violence, regardless of the means by which it is to be effected. Never was its character more fully exemplified than in the present instance. Setting out with the abstract principle that slavery is an evil, the fanatical zealots come at once to the conclusion that it is their duty to abolish it, regardless of all the disasters which must follow. Never was conclusion more false or dangerous. Admitting their assumption, there are innumerable things which, regarded in the abstract, are evils, but which it would be madness to attempt to abolish. Thus regarded, Government itself is an evil, with most of its institutions intended to protect life and property, comprehending the civil as well as the criminal and military code, which are tolerated only because to abolish them would be to increase instead of diminishing the evil. The reason is equally applicable to the case under consideration, to illustrate which, a few remarks on slavery, as it actually exists in the Southern States, will be necessary.

He who regards slavery in those States simply under the relation of master and slave, as important as that relation is, viewed merely as a question of property to the slaveholding section of the Union, has a very imperfect conception of the institution, and the impossibility of abolishing it without disasters unexampled in the history of the world. To understand its nature and importance fully, it must be borne in mind that slavery, as it exists in the Southern States, (including under the Southern all the slaveholding States,) involves not only the relation of master and slave, but, also, the social and political relations of two races, of nearly equal numbers, from different quarters of the globe, and the most opposite of all others in every particular that distinguishes one race of men from another. Emancipation would destroy these relations—would divest the masters of their property, and subvert the relation, social and political, that has existed between the races from almost the first settlement of the Southern States.

It is not the intention of the committee to dwell on the pecuniary aspect of this vital subject, the vast amount of property involved, equal at least to $950,000,000; the ruin of families and individuals; the impoverishment and prostration of an entire section of the Union, and the fatal blow that would be given to the productions of the great agricultural staples, on which the commerce, the navigation, the manufactures, and the revenue of the country, almost entirely depend. As great as these disasters would be, they are nothing, compared to what must follow the subversion of the existing relation between the two races, to which the committee will confine their remarks.

Under this relation, the two races have long lived in peace and prosperity, and if not disturbed, would long continue so to live. While the European race has rapidly increased in wealth and numbers, and at the same time has maintained an equality, at least, morally and intellectually, with their brethren of the non-slaveholding States, the African race has multiplied with not less rapidity, accompanied by great improvement, physically and intellectually, and the enjoyment of a degree of comfort with which the laboring class in few countries can compare, and confessedly greatly superior to what the free people of the same race possess in the non-slaveholding States. It may, indeed, be safely asserted, that there is no example in history in which a savage people, such as their ancestors were when brought into the country, have ever advanced in the same period so rapidly in numbers and improvement.

To destroy the existing relations would be to destroy this prosperity, and to place the two races in a state of conflict, which must end in the expulsion or extirpation of one or the other. No other can be substituted, compatible with their peace or security. The difficulty is in the diversity of the races. So strongly drawn is the line between the two, in consequence of it, and so strengthened by the force of habit and education, that it is impossible for them to exist together in the same community, where their numbers are so nearly equal as in the slaveholding States, under any other relation than which now exists. Social and political equality between them is impossible. No power on earth can overcome the difficulty. The causes resisting lie too deep in the principles of our nature to be surmounted. But, without such equality, to change the present condition of the African race, were it possible, would be but to change the form of slavery. It would make them the slaves of the community, instead of the slaves of individuals, with less responsibility and interest in their welfare on the part of the community than is felt by their present masters; while it would destroy the security and independence of the European race, if the African should be permitted to continue in their changed condition within the limits of those States. They would look to the other States for support and protection, and would become, virtually, their allies and dependants; and would thus place in the hands of those States the most effectual instrument to destroy the influence and control the destiny of the rest of the Union.

It is against this relation between the two races that the blind and criminal zeal of the abolitionists is directed—a relation that now preserves in quiet and security more than 6,500,000 of human beings, and which cannot be destroyed without destroying the peace and prosperity of nearly half the States of the Union, and involving their entire population in a deadly conflict, that must terminate either in the expulsion or extirpation of those who are the object of the misguided and false humanity of those who claim to be their friends.

He must be blind indeed, who does not perceive that the subversion of a relation which must be followed with such disastrous consequences can only be effected by convulsions that would devastate the country, burst asunder the bonds of the Union, and ingulf in a sea of blood the institutions of the country. It is madness to suppose that the slaveholding States would quietly submit to be sacrificed. Every consideration—interest, duty, and humanity, the love of country, the sense of wrong, hatred of oppressors, and treacherous and faithless confederates, and finally despair—would impel them to the most daring and desperate resistance in defence of property, family, country, liberty, and existence.

But wicked and cruel as is the end aimed at, it is fully equalled by the criminality of the means by which it is proposed to be accomplished. These, as has been stated, consist in organized societies and a powerful press, directed mainly with a view to excite the bitterest animosity and hatred of the people of the non-slaveholding States against the citizens and institutions of the slaveholding States. It is easy to see to what disastrous results such means must tend. Passing over the more obvious effects, their tendency to excite to insurrection and servile war, with all its horrors, and the necessity which such tendency must impose on the slaveholding States to resort to the most rigid discipline and severe police, to the great injury of the present condition of the slaves, there remains another, threatening incalculable mischief to the country.

The inevitable tendency of the means to which the abolitionists have resorted to effect their object must, if persisted in, end in completely alienating the two great sections of the Union. The incessant action of hundreds of societies, and a vast printing establishment, throwing out daily thousands of artful and inflammatory publications, must make, in time, a deep impression on the section of the Union where they freely circulate, and are mainly designed to have effect. The well-informed and thoughtful may hold them in contempt, but the young, the inexperienced, the ignorant, and thoughtless, will receive the poison. In process of time, when the number of proselytes is sufficiently multiplied, the artful and profligate, who are ever on the watch to seize on any means, however wicked and dangerous, will unite with the fanatics, and make their movements the basis of a powerful political party, that will seek advancement by diffusing, as widely as possible, hatred against the slaveholding States. But, as hatred begets hatred, and animosity animosity, these feelings would become reciprocal, till every vestige of attachment would cease to exist between the two sections, when the Union and the constitution, the offspring of mutual affection and confidence, would forever perish.

Such is the danger to which the movements of the abolitionists expose the country. If the force of the obligation is in proportion to the magnitude of the danger, stronger cannot be imposed, than is at present, on the States within whose limits the danger originates, to arrest its further progress—a duty they owe, not only to the States whose institutions are assailed, but to the Union and constitution, as has been shown, and, it may be added, to themselves. The sober and considerate portions of citizens of the non-slaveholding States, who have a deep stake in the existing institutions of the country, would have little forecast not to see that the assaults which are now directed against the institutions of the Southern States may be very easily directed against those which uphold their own property and security. A very slight modification of the arguments used against the institutions which sustain the property and security of the South would make them equally effectual against the institutions of the North, including banking, in which so vast an amount of its property and capital is invested. It would be well for those interested to reflect whether there now exists, or ever has existed, a wealthy and civilized community, in which one portion did not live on the labor of another; and whether the form in which slavery exists in the South is not but one modification of this universal condition; and, finally, whether any other, under all the circumstances of the case, is more defensible, or stands on stronger ground of necessity. It is time to look these questions in the face. Let those who are interested remember that labor is the only source of wealth, and how small a portion of it, in all old and civilized countries, even the best governed, is left to those by whose labor wealth is created. Let them also reflect how little volition or agency the operatives in any country have in the question of its distribution—as little, with a few exceptions, as the African of the slaveholding States has in the distribution of the proceeds of his labor. Nor is it the less oppressive, that in the one case it is effected by the stern and powerful will of the Government, and in the other by the more feeble and flexible will of a master. If one be an evil, so is the other. The only difference is the amount and mode of the exaction and distribution, and the agency by which they are effected.

A bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any State, Territory, or District, certain papers therein mentioned, the circulation of which, by the laws of said State, Territory, or District, may be prohibited, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any deputy postmaster, in any State, Territory, or District, knowingly to receive and put into the mail any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, touching the subject of slavery, addressed to any person or post office in any State, Territory, or District, where, by the laws of the said State, Territory, or District, their circulation is prohibited. Nor shall it be lawful for any deputy postmaster, in said State, Territory, or District, knowingly to deliver to any person any such pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, to any person whatever, except to such person or persons as are duly authorized, by the proper authority of such State, Territory, or District, to receive the same.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Postmaster General to dismiss from office any deputy postmaster offending in the premises, and such deputy postmaster shall, on conviction thereof in any court having competent jurisdiction, be fined in any sum not less than ——— dollars, and not more than ——— dollars, according to the aggrava- of the offence, at the discretion of the court.

Sec. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of deputy postmasters, mail carriers, and other officers and agents of the Post Office Department, to co-operate, as far as may be, to prevent the circulation of any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, as aforesaid, in any State, Territory, or District, where, by the laws of said State, Territory, or District, the same are prohibited, and that nothing in the acts of Congress to establish and regulate the Post Office Department shall be construed to protect any deputy postmaster, mail carrier, or other officer or agent of said Department, convicted of knowingly circulating in any State, Territory, or District, as aforesaid, any such pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, forbidden by the laws of such State, Territory, or District.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Postmaster General to furnish to the deputy postmasters, and the agents and officers of the Department, copies of the laws of the several States, Territories, and Districts, prohibiting the publication or circulation of any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, within the limits of said States, Territories, or Districts, for their government in the premises; and make such regulations and give such instructions in carrying this act into effect as may not be contrary to law.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the deputy postmasters of the offices where the pamphlets, newspapers, handbills, or other papers, printed or written, or pictorial representations aforesaid, may be deposited, shall, under the instructions of the Postmaster General, from time to time give notice of the same, so that they may be withdrawn by the person depositing them; and if not withdrawn in the space of one month thereafter, shall be burnt or otherwise destroyed.

THE SMITHSONIAN LEGACY.

In Senate, January 5, 1836.

Mr. Leigh made the following report:

The Committee on the Judiciary, to whom was referred the message of the President of the 17th December last, transmitting to Congress a report of the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding, at Washington, an establishment, under the name of "the Smithsonian Institution, for the increase and diffusion of knowledge among men," respectfully report:

That it appears that Mr. James Smithson, late of London, deceased, by his last will and testament, bequeathed the whole of his property to his bankers, Messrs. Drummonds, of Charing Cross, London, in trust, to be disposed of in manner therein provided and directed; and desired his said executors to put his property under the management of the court of chancery; and then, (after bequeathing an annuity of £100 sterling to John Fitall for life,) he bequeathed and provided as follows: "To Henry James Hungerford, my nephew, I give and bequeath, for his life, the whole of the income arising from my property, of every nature and kind whatever, after payment of the above annuity, and, after the death of John Fitall, that annuity likewise; the payments to be made to him at the time interest or dividends become due on the stocks or other property from which the income arises. Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors, and assigns, the whole of my property, of every kind, absolutely and forever, to be divided between them, if more than one, in the manner their father shall judge proper; and in case of his omitting to decide this, as the Lord Chancellor shall judge proper. Should my said nephew, Henry James Hungerford, marry, I empower him to make a jointure. In case of the death of my said nephew without leaving a child or children, or of the death of the child or children he may have had, under the age of twenty-one years, or intestate, I then bequeath the whole of my property (subject to the annuity of £100 to John Fitall, and for the security and payment of which I mean stock to remain in this country) to the United States of America, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

It further appears, from a letter of Messrs. Clarke, Fynmore, and Fladgate, solicitors, to Mr. Vail, chargé d'affaires of the United States at London, dated the 21st July last, communicated by Mr. Vail to the Secretary of State, that, pursuant to the instructions contained in Mr. Smithson's will, an amicable suit was, on the death of that testator, brought in the court of chancery of England, by the legatee, Mr. Hungerford, against the Messrs. Drummonds, the executors, in which suit the assets were realized; that these were very considerable; that there is now standing in the name of the accountant general of the court of chancery, on the trusts of the will, stock amounting in value to about £100,000; that Mr. Hungerford, during his life, had received the income arising from this property; but that news had reached England that Mr. Hungerford had died abroad, leaving no child surviving him; so that the event has happened on which the executory bequest of this large property was made by the testator, Mr. Smithson, to the United States, to found, at Washington, under the name of "the Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men. Messrs. Clarke, Fynmore, and Fladgate, also inform Mr. Vail that it has now become necessary that measures should be taken for the purpose of getting the decision of the court of chancery as to the further disposition of the property; that it is not clearly defined in Mr. Smithson's will to whom, on behalf of the United States, the property should be paid or transferred; and, indeed, there is so much doubt, that they apprehend the attorney general on behalf of the Crown of England must be joined in the proceedings which it may be requisite the United States should institute; that they act, in this matter, for Messrs. Drummonds, the bankers, who are mere stake-holders, and are ready to do all in their power to facilitate getting the decision of the court of chancery, and carrying the testator's intentions into effect; and that they will be happy to communicate with such professional advisers as the Government of the United States shall think fit to appoint to act for them in England. And having thus stated the nature of the business, they add, that they abstain from making any suggestion as to the party in whose name proceedings should be adopted, considering that the point should be determined by counsel in England, after the opinion of the proper law officers in the United States shall have been taken on the subject.

In a letter of Mr. Vail to the Secretary of State, of the 28th July last, communicating a copy of Mr. Smithson's will, and the letter of Messrs. Clarke, Fynmore, and Fladgate, to him, he says that that letter, and the inquiries he has made, leave no doubt of the will of Mr. Smithson having been established, and its dispositions recognised by the court of chancery of England; that, according to the view taken of the case by the solicitors, the United States, in the event of their accepting the legacy, and the trust coupled with it, should come forward, by their representative, and make themselves parties to an amicable suit before the Lord Chancellor of England, for the purpose of legally establishing the fact of the demise of Mr. Hungerford, the legatee for life, without children and intestate, proving their claim to the benefit of the will, and obtaining a decree in chancery awarding to them the proceeds of the estate; that Messrs. Clarke, Fynmore, and Fladgate, are willing to undertake the management of the suit, on the part of the United States; and that, from what he has learnt of their standing, they may safely be confided in. And Mr. Vail suggests, upon the advice of those gentlemen, a method of proceeding to assert the claim of the United States to the legacy, without further delay, in case it should be thought unnecessary to await the action of Congress to authorize the institution of the requisite legal proceedings.

The Secretary of State submitted the letter of Mr. Vail, and the papers therewith communicated, to the President, who determined to lay the subject before Congress at its next session; and of this determination the Secretary of State apprized Mr. Vail, in a letter of the 26th September last.

The President, in his message of the 17th December, transmits to Congress all the correspondence and information relating to the subject, as the same had been reported to him by the Secretary of State; and adds, that "the Executive having no authority to take any steps for accepting the trust, and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary."

The committee concur in the opinion of the President, that it belongs to the Legislature to devise and prescribe the measures, if any, proper to be adopted on this occasion, and to provide for such expenses as may be incurred in the prosecution of them.

Judging from the letters of Mr. Vail to the Secretary of State, and of Messrs. Clarke, Fynmore, and Fladgate, to Mr. Vail, as well as from the information which the committee themselves have been able to gather as to the course of adjudication of the court of chancery of England in such cases, the committee suppose it unquestionable that the executory bequest contained in Mr. Smithson's will of his whole property to the United States, in the event that has occurred, for the purpose of founding, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, is, by the law of England, a valid bequest; that the United States will be entertained in the court of chancery of England to assert their claim to the fund, as trustees, for the purpose of founding the charitable institution at Washington, to which it is destined by the donor; and that that court will decree that the fund shall be paid and transferred to the United States, or their lawfully authorized agent, leaving it to the United States to apply the property to the foundation of the intended charity at Washington, and to provide for the due administration of the fund, so as to accomplish the purpose of the donor. The committee are sensible, however, that these are points which can only be determined and settled by the judicial authority of England.

In the opinion of the committee, the questions which it behooves Congress to consider, are whether it is competent to the United States, whether it comports with their dignity, whether (all circumstances considered) it is expedient and proper that the United States should appear as suitors in the courts of justice of England, to assert their claim to the legacy in question, as trustees for the intended charitable institution to be founded at Washington.

It might be a question of much doubt and difficulty whether it would be within the competency of the Government of the United States to appropriate any part of the general revenue collected from the nation at large to the foundation and endowment of a literary or any other charitable institution in the District of Columbia. But, in the opinion of the committee, no such question is involved in the consideration of the present subject. The fund given to the United States by Mr. Smithson's will is nowise, and never can become, part of their revenue; they cannot claim or take it for their own benefit; they can only take it as trustees, to apply to the charitable purpose for which it was intended by the donor.

The committee can see no reason to doubt that the United States must be regarded as the *parens patriæ* of the District of Columbia. That, in that character, they have a right, and they are in duty bound, to assert a claim to any property given to them for the purpose of founding a charitable institution of any kind within the District, and to provide for the due application and administration of such a fund when they have obtained possession of it. That the rights and duties of the United States, as *parens patriæ* of the District, in such a case, are the same, whether the charitable donation be made by the subject of a foreign nation, or by a citizen, or whether the claim to the bounty is to be asserted before a domestic court of justice, or before a foreign tribunal, which, by the comity of nations, or the laws of its own country, is bound to entertain the claim, and to adjudge the property to the United States, if they are by law entitled to it. If a foreign tribunal, decreeing such property to the United States, should think proper to impose any conditions incompatible with the constitutional powers of this Government, or with its duties or its dignity, the United States may then decline to accept the property and the trust. But no difficulty of that kind is apprehended.

The committee are also of opinion that the United States, in prosecuting a claim to property given to them for the purpose of founding a charitable institution within the District of Columbia, and which they are entitled to claim, and take, and regulate the administration of, as the *parens patriæ* of the District, may properly appropriate, out of their general revenue, such sums as may be necessary to prosecute the claim with effect—since the United States have no other pecuniary means to defray the expenses that may be incurred in exercising their powers, or in performing their duties, as *parens patriæ* of the District, but such as are afforded by their general revenue.

Upon the whole, the committee are of opinion that it is within the competency of the Government of the United States, that it well comports with its dignity, that, indeed, it is its duty, to assert in the courts of justice of England the claim of the United States to the legacy bequeathed to them by Mr. Smithson's will, for the purpose of founding, at Washington, under the name of "the Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and that provision ought to be made by Congress to enable the Executive to assert and prosecute the claim with effect.

Therefore, the committee recommend the adoption of a joint resolution authorizing the President to take measures for recovering the said legacy.

In the House of Representatives, Dec. 21, 1835.

The message of the President of the United States, in relation to the bequest of James Smithson, of London, for founding, at Washington, an "institution for the increase and diffusion of knowledge among men," was referred to a select committee; and

Mr. John Quincy Adams, of Massachusetts; Mr. Thomas, of Maryland; Mr. Garland, of Virginia; Mr. Pearce, of Rhode Island; Mr. Speight, of North Carolina; Mr. McKennan, of Pennsylvania; Mr. Hannegan, of Indiana; Mr. Garland, of Louisiana; and Mr. Chapin, of New York; were appointed the said committee.

January 14, 1836.

Mr. Adams, from the select committee on the message of the President relating to the bequest of James Smithson, made the following report:

The select committee to which was referred the message of the President of the United States of the 17th of December last, with documents relating to the bequest of James Smithson, of London, to the United States of America, for the purpose of founding at Washington an establishment, under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men, respectfully report:

That, from the papers transmitted to Congress with the message of the President, it appears that James Smithson, a foreigner, of noble family and of affluent fortune, did, by his last will and testament, made in the year 1826, bequeath, under certain contingencies, which have since been realized, and with certain exceptions, for which provision was made by the same will, the whole of his property, of an amount exceeding four hundred thousand dollars, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

To the acceptance of this bequest, and to the assumption and fulfilment of the high and honorable duties involved in the performance of the trust committed with it, the Congress of the United States, in their legislative capacity, are alone competent. Your committee believe, not only that they are thus competent, but that it is enjoined upon them, by considerations of the most imperious and indispensable obligation. The first steps necessary to be taken for carrying into effect the benevolent intentions of the testator must be to obtain the possession of the funds, now held by the Messrs. Drummonds, bankers in London, executors of Mr. Smithson's will, and subject to the superintendence, custody, and adjudication, of the Lord Chancellor of England. To enable the President of the United States to effect this object, the committee report herewith a bill.

But your committee think they would imperfectly discharge their duty to this House, to their country, to the world of mankind, or to the donor of this most munificent bequest, were they to withhold a few brief reflections which have occurred to them in the consideration of the subject referred to them by the House—reflections arising from the condition of the testator, from the nature of the bequest, and from the character of the trustee to whom this great and solemn charge has been confided.

The testator, James Smithson, a subject of Great Britain, declares himself, in the caption to the will, a descendant in blood from the Percys and the Seymours, two of the most illustrious historical names of the British islands. Nearly two centuries since, in 1660, the ancestor of his own name, Hugh Smithson, immediately after the restoration of the royal family of the Stuarts, received from Charles the Second, as a reward for his eminent services to that house during the civil wars, the dignity of a Baronet of England, a dignity still held by the Dukes of Northumberland, as descendants from the same Hugh Smithson. The father of the testator, by his marriage with the Lady Elizabeth Seymour, who was descended by a female line from the ancient Percys, and by the subsequent creation of George the Third, in 1766, became the first Duke of Northumberland. His son, and successor, the brother of the testator, was known in the history of our revolutionary war by the name of Lord Percy; was present, as a British officer, at the sanguinary opening scene of our revolutionary war at Lexington, and at the battle of Bunker's Hill, and was the bearer to the British Government of the despatches from the commander-in-chief of the royal forces, announcing the event of that memorable day; and the present Duke of Northumberland, the testator's nephew was the ambassador extraordinary of Great Britain, sent to assist at the coronation of the late King of France, Charles the Tenth, a few months only before the date of this bequest from his relative to the United States of America.

The suggestions which present themselves to the mind by the association of these historical recollections, with the condition of the testator, derive additional interest from the nature of the bequest—the devotion of a large estate to an institution for the increase and diffusion of knowledge among men.

Of all the foundations of establishments for pious or charitable uses, which ever signalized the spirit of the age, or the comprehensive beneficence of the founder, none can be named more deserving of the approbation of mankind than this. Should it be faithfully carried into effect, with an earnestness and sagacity of application, and a steady perseverance of pursuit, proportioned to the means furnished by the will of the founder, and to the greatness and simplicity of his design, as by himself declared, "the increase and diffusion of knowledge among men," it is no extravagance of anticipation to declare that his name will be hereafter enrolled among the eminent benefactors of mankind.

The attainment of knowledge is the high and exclusive attribute of man, among the numberless myriads of animated beings, inhabitants of the terrestrial globe. On him alone is bestowed, by the bounty of the Creator of the universe, the power and the capacity of acquiring knowledge. Knowledge is the attribute of his nature, which at once enables him to improve his condition upon earth, and to prepare him for the enjoyment of a happier existence hereafter. It is by this attribute that man discovers his own nature as the link between earth and heaven; as the partaker of an immortal spirit; as created for higher and more durable ends than the countless tribes of beings which people the earth, the ocean, and the air, alternately instinct with life, and melting into vapor, or mouldering into dust.

To furnish the means of acquiring knowledge is, therefore, the greatest benefit that can be conferred upon mankind. It prolongs life itself, and enlarges the sphere of existence. The earth was given to man for cultivation, to the improvement of his own condition. Whoever increases his knowledge, multiplies the uses to which he is enabled to turn the gift of his Creator to his own benefit, and partakes in some degree of that goodness which is the highest attribute of Omnipotence itself.

If, then, the Smithsonian Institution, under the smile of an approving Providence, and by the faithful and permanent application of the means furnished by its founder to the purpose for which he has bestowed them, should prove effective to their promotion; if they should contribute essentially to the increase and diffusion of knowledge among men, to what higher or nobler object could this generous and splendid donation have been devoted?

The father of the testator, upon forming his alliance with the heiress of the family of the Percys, assumed, by an act of the British Parliament, that name, and under it became Duke of Northumberland. But, renowned as is the name of Percy in the historical annals of England, resounding as it does from the summit of the Cheviot hills to the ears of our children, in the ballad of Chevy Chase, with the classical commentary of Addison; freshened and renovated in our memory as it has recently been from the purest fountain of poetical inspiration, in the loftier strain of Alnwick Castle, tuned by a bard of our own native land;[*] doubly immortalized as it is in the deathless dramas of Shakspeare; "confident against the world in arms" as it may have been in ages long past, and may still be in the virtues of its present possessors by inheritance; let the trust of James Smithson to the United States of America be faithfully executed by their representatives in Congress; let the result accomplish his object, "the increase and diffusion of knowledge among men," and a wreath of more unfading verdure shall entwine itself in the lapse of future ages around the name of Smithson, than the united hands of tradition, history, and poetry, have braided around the name of Percy, through the long perspective in ages past of a thousand years.

It is, then, a high and solemn trust which the testator has committed to the United States of America, and its execution devolves upon their representatives in Congress duties of no ordinary importance. The location of the institution at Washington, prescribed by the testator, gives to Congress the free exercise of all the powers relating to this subject with which they are, by the constitution, invested, as the local Legislature for the District of Columbia. In adverting to the character of the trustee selected by the testator for the fulfilment of his intentions, your committee deem it no indulgence of unreasonable pride to mark it as a signal manifestation of the moral effect of our political institutions upon the opinions and upon the consequent action of the wise and the good of other regions, and of distant climes; even upon that nation from whom we generally boast of our descent, but whom, from the period of our Revolution, we have had too often reason to consider as a jealous and envious rival. How different are the sensations which should swell in our bosoms with the acceptance of this bequest! James Smithson, an Englishman, in the exercise of his rights as a freeborn Briton, desirous of dedicating his ample fortune to the increase and diffusion of knowledge among men, constitutes for his trustees, to accomplish that object, the United States of America, and fixes upon their seat of Government as the spot where the institution of which he is the founder shall be located.

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[*] Fitzgreene Halleck.

The Revolution, which resulted in the independence of these United States, was commenced, conducted, and consummated, under a mere union of confederated States. Subsequently to that period a more perfect union was formed, combining in one system the principle of confederate sovereignties with that of a Government by popular representation, with legislative, executive, and judicial powers, all limited, but coextensive with the whole confederation.

Under this Government, a new experiment in the history of mankind is now drawing to the close of half a century, during which the territory and number of States in the Union have nearly doubled, while their population, wealth, and power, have been multiplied more than fourfold. In the process of this experiment they have gone through the vicissitudes of peace and war, amidst bitter and ardent party collisions, and the unceasing changes of popular elections to the legislative and executive offices, both of the General Confederacy and of the separate States, without a single execution for treason, or a single proscription for a political offence. The whole Government, under the continual superintendence of the whole people, has been holding a steady course of prosperity, unexampled in the cotemporary history of other nations not less than in the annals of ages past. During this period our country has been freely visited by observers from other lands, and often in no friendly spirit by travellers from the native land of Mr. Smithson. Their reports of the prevailing manners, opinions, and social intercourse of the people of this Union, have exhibited no flattering or complacent pictures. All the infirmities and vices of our civil and political condition have been conned and noted, and displayed with no forbearance of severe satirical comment to set them off; yet, after all this, a British subject, of noble birth and ample fortune, desiring to bequeath his whole estate to the purpose of increasing and diffusing knowledge throughout the whole community of civilized man, selects for the depositaries of his trust, with confidence unqualified with reserve, the Congress of the United States of America.

In the commission of every trust, there is an implied tribute of the soul to the integrity and intelligence of the trustee; and there is also an implied call for the faithful exercise of those properties to the fulfilment of the purpose of the trust. The tribute and the call acquire additional force and energy, when the trust is committed for performance after the decease of him by whom it is granted, when he no longer exists to witness or to constrain the effective fulfilment of his design. The magnitude of the trust, and the extent of confidence bestowed in the committal of it, do but enlarge and aggravate the pressure of the obligation which it carries with it. The weight of duty imposed is proportioned to the honor conferred by confidence without reserve. Your committee are fully persuaded, therefore, that, with a grateful sense of the honor conferred by the testator upon the political institutions of this Union, the Congress of the United States, in accepting the bequest, will feel, in all its power and plenitude, the obligation of responding to the confidence reposed by him, with all the fidelity, disinterestedness, and perseverance of exertion, which may carry into effective execution the noble purpose of an endowment for the increase and diffusion of knowledge among men.

MILITARY AND NAVAL DEFENCES.

Report from the Secretary of War,

In compliance with resolutions adopted by the Senate on the 18th February, requesting information of the probable amount of appropriations that would be necessary to place the land and naval defences of the country upon a proper footing of strength and respectability.

Department of War,
April 7, 1836.

Sir: In conformity with your instructions, I have the honor to transmit reports from the Engineer and Ordnance departments, furnishing so much of the information required by the resolution of the Senate of February 18, 1836, as relates to the fortifications of the country, and to a supply of the munitions of war. The former branch of this subject has required laborious investigations on the part of the officers charged with this duty, and their report has therefore been longer delayed than, under other circumstances, would have been proper; but the whole matter was too important to have the interests involved in it sacrificed to undue precipitancy.

The Engineer report was received at the Department on Friday last, and I have embraced such portions of the intervening time as other official calls and a slight indisposition would allow me to devote to its examination. I did not consider that any suggestions I could make would justify a further delay at this advanced stage of the session, while, at the same time, I am aware that this letter will need all the allowance which these circumstances can claim for it.

It is obvious that, in the consideration of any general and permanent system of national defence, comprehensive views are not only necessary, but professional experience, and a knowledge of practical details; such information, in fact, as must be obtained by long and careful attention to the various subjects which form the elements of this inquiry. Although, therefore, I do not concur in all the suggestions contained in these reports, and more particularly in those which relate to the nature and extent of some of our preparations, still I have thought it proper to lay them before you, rather than to substitute any peculiar views of my own for them. Both furnish facts highly interesting to the community; and if they anticipate dangers which it may be thought are not likely to happen, and suggest preparations which future exigencies will not probably require, they are still valuable documents, presenting the necessary materials for the action of the Legislature. The report from the Engineer department, in particular, evinces an accurate knowledge of the whole subject, while, at the same time, its general views are sound and comprehensive. I consider it a very able document.

Under these circumstances, I have thought it proper to submit some general remarks, explanatory of my own views, concerning a practical system of defence, and which will show how far the plans and details are in conformity with my opinion. I feel that this course is due to myself.

I shall confine my observations to the maritime frontier. Our inland border rests, in the Southwest and Northeast, upon the possessions of civilized nations, and requires defensive preparations to meet those contingencies only, which, in the present state of society, we may reasonably anticipate. In the existing intercourse of nations, hostilities can scarcely overtake us so suddenly as not to leave time to move the necessary force to any point upon these frontiers threatened with attack. I am not aware of any peculiar position upon either of these lines of separation which commands the approaches to the country, or whose possession would give much superiority to an invading or defensive force. In fact, the division is, in both cases, an artificial line, through much of its extent, and a portion of the natural boundary offers scarcely any impediment to military operations. Under such circumstances, it seems altogether inexpedient to construct expensive fortifications, which would do little more than protect the space under cover of their guns; which are not required as places of depot, which guard no avenue of communication, and which would leave the surrounding country penetrable in all directions. Without indulging in any improper speculations concerning the ultimate destiny of any portion of the country in juxtaposition with us, or looking for security to any political change, we may safely anticipate that our own advance in all the elements of power will be at least equal to that of the people who adjoin us; nor does the most prudent forecast dictate any precautions, founded upon the opinion that our relative strength will decrease and theirs increase. The lake frontier, indeed, presents some peculiar considerations; and I think the views submitted by the Engineer department, respecting Lake Champlain, are entitled to much weight. This long, narrow sheet of navigable water opens a direct communication into the States of New York and Vermont, while its outlet is in a foreign country, and is commanded by a position of great natural strength. It is also within a few miles of the most powerful and populous portion of Canada, and open to all its resources and energies. With a view, perhaps, to possible rather than to probable events, it may be deemed expedient to construct a work at some proper site within our boundary, which shall close the entrance of the lake to all vessels ascending its outlet. As such a work, however, would be an advanced post, and, from circumstances, peculiarly liable to attack, its extent and defences should be in proportion to its exposure.

There is already a considerable commercial marine upon the four great lakes, Ontario, Erie, Huron, and Michigan, which are opened to the enterprise of our citizens; and this will increase with the augmenting population which is flowing in upon the regions washed by these internal seas. It is obvious that, from natural causes, the physical superiority will be found upon the southern shores of these lakes. The resolution of the Senate embraces the inquiry into the expediency of constructing permanent fortifications in this quarter. And this inquiry properly divides itself into two branches.

1st. The policy of fortifying the harbors upon the lakes; and,

2d. The policy of commanding, by permanent works, the communications between them.

Both of these measures presuppose that the naval superiority upon these waters may be doubtful. But it is difficult to foresee the probable existence of any circumstances which would give this ascendency to the other party. It is unnecessary to investigate the considerations which bear upon this subject, as they are too obvious to require examination. They are to be seen and felt in all those wonderful evidences of increase and improvement which are now in such active operation. A victorious fleet upon these lakes could disembark an army at almost any point. If a harbor were closed by fortifications, they would only have to seek the nearest beach, and land their men from boats, so that no defences we could construct would secure us against invasion; and temporary block-houses and batteries would probably be found sufficiently powerful to repel the attacks of any vessels seeking to enter the narrow harbors upon the lakes, if we could foresee the existence of any circumstances which would induce an enemy to endeavor to force an entrance into them.

As to the communication between the lakes, the inquiry, from geographical causes, is necessarily restricted to that from Lake Erie to Lake Huron, and to the straits of Michilimackinac. Of the former, almost sixty miles consist of two rivers, completely commanded from their opposite banks, while the entrance into one of these, the river St. Clair, is impeded by a bar, over which there is but about eight feet of water. No armed vessels could force their way up these rivers while the shores were in an enemy's possession, who might construct batteries at every projecting point, and who, in fact, might in many places sweep the decks with musketry. As to the straits of Michilimackinac, they are too broad to be commanded by stationary fortifications, even if any circumstances should lead to the construction and equipment of a hostile fleet upon the bleak and remote shores of Matchedask bay, in the northeastern extremity of Lake Huron.

I am therefore of opinion that our lake frontier requires no permanent defences, and that we may safely rely for its security upon those resources, both in the *personnel* and *materiel*, which the extent and other advantages of our country insure to us, and which must give us the superiorty in that quarter.

It may, perhaps, be deemed expedient to establish a depot for the reception of munitions of war in some part of the peninsula of Michigan, and to strengthen it by such defences as will enable it to resist any *coup de main* which may be attempted. From the geographical features of the country, our possessions here recede from their natural points of support, and are placed in immediate contact with a fertile and populous part of the neighboring colony. In the event of disturbances, the ordinary communications might be interrupted, and it would probably be advisable to have in deposite a supply of all the necessary means for offensive or defensive operations, and to place these beyond the reach of any enterprising officer who might be disposed, by a sudden movement, to gain possession of them. The expenditure for such an object would be comparatively unimportant, even should the contingency be judged sufficiently probable to justify precautionary measures.

I had the honor, in a communication to the chairman of the Committee on Military Affairs of the Senate, dated February 19, 1836, a copy of which was sent to the chairman of the Committee on Military Affairs of the House of Representatives, to suggest the mode best adapted, in my opinion, to secure our frontier against the depredations of the Indians. The basis of the plan was the establishment of a road from some point upon the upper Mississippi to Red river, passing west of Missouri and Arkansas, and the construction of posts in proper situations along it.* I think the ordinary mode of construction ought not to be departed from. Stockaded forts, with log block-houses, have been found fully sufficient for all the purposes of defence against Indians. They may be built speedily, with little expense, and, when necessary, by the labor of the troops. Our Indian boundary has heretofore been a receding, not a stationary one, and much of it is yet of this character. And even where we have planted the Indians who have been removed, and guarantied their permanent occupation of the possessions assigned to them, we may find it necessary, in the redemption of the pledge we have given to protect them, to establish posts upon their exterior boundary, and thus prevent collisions between them and the ruder indigenous tribes of that region. I think, therefore, that no works of a more permanent character than these should be constructed upon our frontier. A cordon established at proper distances upon such a road, with the requisite means of operation deposited in the posts, and with competent garrisons to occupy them, would, probably, afford greater security to the advanced settlements than any other measures in our power. The dragoons should be kept in motion along it during the open season of the year, when Indian disturbances are most to be apprehended, and their presence and facility of movement would tend powerfully to restrain the predatory disposition of the Indians; and if any sudden impulse should operate to drive them into hostilities, the means of assembling a strong force, with all necessary supplies, would be at hand. And as circumstances permit, the posts in the Indian country, now in the rear of this proposed line of operations, should be abandoned, and the garrisons transferred to it.

But it is upon our maritime frontier that we are most exposed. Our coast for three thousand miles is washed by the ocean, which separates us from those nations who have made the highest advances in all the arts, and particularly in those which minister to the operations of war, and with whom, from our intercourse and political relations, we are most liable to be drawn into collision. If this great medium of communication, the element at the same time of separation and of union, interposes peculiar obstacles to the progress of hostile demonstrations, it also offers advantages which are not less obvious, and which, to be successfully resisted, require corresponding arrangements and exertions. These advantages depend on the economy and facility of transportation, on the celerity of movement, and on the power of an enemy to threaten the whole shore spread out before him, and to select his point of attack at pleasure. A powerful hostile fleet upon the coast of the United States presents some of the features of a war, where a heavy mass is brought to act against detachments which may be cut up in detail, although their combined force would exceed the assailing foe. Our points of exposure are so numerous and distant that it would be impracticable to keep, at each of them, a force competent to resist the attack of an enemy, prepared, by his naval ascendency and his other arrangements, to make a sudden and vigorous inroad upon our shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be met and averted.

The first and most obvious, and in every point of view the most proper method of defence, is an augmentation of our naval means to an extent proportioned to the resources and the necessities of the nation. I do not mean the actual construction and equipment of vessels only; the number of those in the service must depend on the state of the country at a given period; but I mean the collection of all such materials as may be preserved without injury, and due encouragement of those branches of interest essential to the growth of a navy, and which may be properly nurtured by the Government; so that, on the approach of danger, a fleet may put to sea, without delay, sufficiently powerful to meet any force which will probably be sent to our coast.

Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle, or to the exertions we shall find it necessary to make. All our institutions are essentially pacific, and every citizen feels that his share of the common interest is affected by the derangement of business, by the enormous expense, and by the uncertain result of a war. This feeling presses upon the community and the Government, and is a sure guarantee that we shall never be precipitated into a contest, nor embark in one, unless imperiously required by those considerations which leave no alternative between resistance and dishonor. Accordingly, all our history shows that we are more disposed to bear while evils ought to be borne, than to seek redress by appeals to arms; still, however, a contest must come; and it behooves us, while we have the means and the opportunity, to look forward to its attendant circumstances, and to prepare for the consequences.

It is no part of my object to enter into the details of a naval establishment. That duty will be much more appropriately and ably performed by the proper Department; but as some of the views I shall present on the subject of our system of fortifications must be materially affected by any general plan of naval operations which, in the event of hostilities, might be adopted, I am necessarily led to submit a few remarks, not professional, but general, upon the extent and employment of our military marine.

There is as little need of inquiry now into our moral as into our physical capacity to maintain a navy, and to meet upon equal terms the ships and seamen of any other nation. Our extended commerce, creating and created by those resources which are essential to the building and equipment of fleets, removes all doubt upon one point; and the history of our naval enterprise, from the moment when the colors were first hoisted upon the hastily prepared vessels, at the commencement of our revolutionary struggle, to the last contest in which any of our ships have been engaged, is equally satisfactory upon the other. The achievements of our navy have stamped its character with the country and the world. The simple recital of its exploits is the highest eulogium which can be pronounced upon it.

With ample means, therefore, to meet upon the ocean, by which they must approach us, any armament that may be destined for our shores, we are called upon by every prudential consideration to do so. In the first place, though all wars in which we may be engaged will probably be defensive in their character, undertaken to resent or repeal some injury or to assert some right, and rendered necessary by the conduct of other nations, still the objects of the war can be best attained by its vigorous prosecution. Defensive in its causes, it should be offensive in its character. The greater injury we can inflict upon our opponent, the sooner and the more satisfactory will be the redress we seek. Our principal belligerant measures should have for their aim to attack our antagonist where he is most vulnerable. If we are to receive his assaults, we abandon the vantage ground, and endeavor, in effect, to compel him to do us justice, by inviting his descent upon our shores, and by all those consequences which mark the progress of an invading force, whether for depredation or for conquest. By the ocean only can we seriously assail any Power with which we are likely to be brought into collision.

But, independently of the policy of making an adversary feel the calamities of war, it is obvious that, even in a defensive point of view alone, the ocean should be our great field of operations. No one would advocate the project of endeavoring to make our coast impervious to attack. Such a scheme would be utterly impracticable. A superior fleet, conveying the necessary troops, could effect a landing at numerous points upon our shores, even if the best-devised plan of fortifying them were consummated. And from the nature of maritime operations, such a fleet could bring its whole strength to bear upon any particular position, and by threatening or assailing various portions of the coast, either anticipate the tardy movements of troops upon land, and effect the object before their concentration, or render it necessary to keep in service a force far superior to that of the enemy, but so divided as to be inferior to it upon any given point. These dangers and difficulties would be averted or avoided by the maintenance of a fleet competent to meet any hostile squadron which might be detached to our seas. Our coast would thus be defended on the ocean, and the calamities of war would be as little felt as the circumstances of such a conflict would permit.

As to the other advantages of a navy, in the protection of commerce, they do not come within the scope of my inquiries, and are not therefore adverted to. Nor is it necessary, or indeed proper, that I should present those considerations of distance, of exposure, and of station, which would render a fleet numerically inferior, in the aggregate, to that of the enemy, yet still sufficiently powerful, upon our own coasts, to meet and overcome any armament which could probably be sent here.

It seems to me, therefore, that our first and best fortification is the navy. Nor do I see any limit to our naval preparations, except those imposed by a due regard to the public revenues from time to time, and by the probable condition of other maritime nations. Much of the *materiel* employed in the construction and equipment of vessels is almost indestructible, or, at any rate, may be preserved for a long series of years; and if ships can be thus kept without injury upon the stocks, by being built under cover, I do not see what should restrain us from proceeding to build as many as may be deemed necessary, and as fast as a due regard to their economical and substantial construction will permit, and to collect and prepare for immediate use all the munitions of war, and other articles of equipment not liable to injury or decay by the lapse of time. Nor do I see that these preparations should be strictly graduated by the number of seamen who would probably enter the service at this time, or within any short period. To build and equip vessels properly requires much time, as well with reference to the execution of the work as to the proper condition of the materials employed. And the costly experiment made by England, when she too hastily increased her fleet, about thirty years ago, by building ships with improper materials and bad workmanship, ought to furnish us with a profitable lesson. These vessels soon decayed, after rendering very little service. Naval means should therefore be provided at a period of leisure, to be ready for immediate employment in a period of exigency; and a due regard to prudence dictates that these means should so far exceed the estimated demands of the service as to supply, in the shortest time, any loss occasioned by the hazards of the ocean and the accidents of war. We may safely calculate that the number of seamen in the United States will increase in proportion to that rapid augmentation which is going on in all the other branches of national interest. If we assume that, at a given period, we may expect to embark in war, our capacity to man a fleet will exceed our present means by a ratio not difficult to ascertain. And even then, by greater exertions, and perhaps higher wages, a larger portion may be induced to enter the naval service, while no exertions can make a corresponding addition to the navy itself, but at a loss of time and expense, and a sacrifice of its permanent interest.

But whatever arrangements we may make to overcome any naval armaments sent out to assail us, we are liable to be defeated and to be exposed to all the consequences resulting from the ascendency of an enemy. And the practical question is, What shall be done with a view to such a state of things? As I have already remarked, any attempt by fortifications to shut up our coast, so that an enterprising foe, with a victorious fleet, conveying a competent force, and disposed to encounter all the risk of such an expedition, could not make his descent upon the shore, would be useless in itself, and would expose to just censure those who should project such a scheme. And on the other hand, the Government would, if possible, be still more censurable, were our important maritime places left without any defensive works. Between these extremes is a practical medium, and to ascertain where it lies we must briefly look at the various considerations affecting the subject.

What have we to apprehend in the event of a war? Is it within the limits of a reasonable calculation, that any enemy will be able and disposed to debark upon our coast an army sufficiently powerful to lay siege to our fortifications, and to endeavor, by this slow and uncertain process, to obtain possession of them? I put out of view the enormous expense attending such a plan; the distance of the scene of operations from the points of supply and support, with the consequent difficulties and dangers, and the possibility that the conveying fleet might be overpowered by a superior force, and the whole expedition captured or destroyed. All these are considerations which no prudent statesman, directing such an enterprise, will overlook. But beyond there is a question bearing more directly upon the point under examination. Is there any object to be attained, sufficiently important to justify the risk of placing a body of land troops before one of these works, too strong to be carried by a *coup de main*, and endeavoring to destroy its defences by a regular investment? I think there can be none.

I take it for granted that no nation would embark in the Quixotic enterprise of conquering this country. Any army, therefore, thrown upon our coast, would push forward with some definite object, to be attained by a prompt movement, and by vigorous exertions. Our experience, more than half a century ago, demonstrated that an invading force could command little more than the position it actually occupied. The system of fortifications adopted in Europe is not applicable to our condition. There military movements must be made upon great avenues of communication, natural or artificial, and these are closed or defended by fortresses constructed with all the skill that science and experience can supply, and with all the means that wealth and power can command. An invading army must carry these positions by escalade or by siege, or leave sufficient detachments to blockade them, or must turn them, and move on with all the difficulties attending the interruption of their communication, and with the dangers which such a force in their rear must necessarily occasion. Works of this character are keys to many of the European States, whose political safety depends upon their preservation. Their possession enables their Governments to meet the first shock of war, and to prepare their arrangements, political or military, to resist or avert the coming storm. And although, during some of the wars which arose out of the French Revolution, when, from causes which history is now developing, the armies of France set at defiance the received maxims of military experience, and, justifying their apparent rashness by success, reduced, with unexampled facility, or carried on their operations almost in contempt of the strongest fortifications, the subjugation of each of which had been, till then, the work of a campaign, still the opinion is yet entertained by many, that this system of defence is best adapted to the condition of the European community.

There is also a striking difference between the political situation of those countries and that of ours, which gives to these defensive preparations a character of importance which can never apply to the United States. The possession of a capital in the eastern hemisphere is too often the possession of the kingdom. Habits of feeling and opinion, political associations, and all other causes, combine to give to the metropolis an undue ascendency. Internal parties contending for superiority, and external enemies aiming at conquest, equally seek to gain possession of the seat of Government. And the most careless observer of the events of the last half century must be struck with the fact that the fate of the capitals and the kingdoms of modern Europe are closely connected together. Under such circumstances, it may be prudent by powerful fortresses to bar the approaches to these favored places, and frequently to construct works to defend them from external attack, or to maintain their occupation against internal violence.

But there is nothing like this in our country, nor can there be till there is a total change in our institutions. Our seats of Government are merely the places where the business of the proper departments is conducted, and have not themselves the slightest influence upon any course of measures, except what is due to public opinion and to their just share of it. If the machine itself were itinerant, the result would be precisely the same. Or if, by any of the accidents of war or pestilence, the proper authorities were compelled to change their place of convocation, the change would be wholly unobserved, except by the few whose personal convenience would be affected by the measure. Nor have our commercial capitals any more preponderating influence than our political ones. And although their capture by an enemy, and the probable loss of property and derangement of business which would be the result, might seriously affect the community, yet it would not produce the slightest effect upon the social or political systems of the country. The power belongs to all, and is exercised by all.

It follows, therefore, that an enemy could have no inducement to hazard an expedition against any of our cities, under the expectation that their capture and possession would lead to political results favorable to them. Washington may indeed be taken again, and its fall would produce the same emotion which was every where felt, when its former capture was known. But an enemy would retire from it with as few advantages as marked its first abandonment, and, if his course were the same, with as few laurels as he won by its possession. I make these remarks, because it seems to me that some of the principles of the European system of fortifications may possibly be transferred to this country, without sufficient attention having been given to those circumstances, both geographical and political, which require a plan exclusively adapted to our own condition.

I consider some of the existing and projected works larger than are now necessary, and calculated for exigencies we ought not, with the prospects before us, to anticipate. If such is the fact, the objection is not only to the expense of their construction and preservation, but also to the greater difficulty of defending them, and the increased garrisons which must be provided and maintained. The hypothesis upon which their extent has been determined, is, that they may be exposed to investment, both seaward and landward, and that they ought to be capable of resisting a combined attack, or, in other words, that their water batteries should be sufficient to repel an assailing squadron, and that their land defences should be sufficient to resist a besieging army.

It is certain that whatever works we erect should be so constructed as to be beyond the reach of any *coup de main* that would probably be attempted against them. And this capacity must depend upon their exposure and upon the facility with which they can be relieved. But this proposition is far different from one to construct them upon a scale of magnitude which presupposes they are to be formally invested by a powerful land force, and which provides for their ability to make a successful resistance. A dashing military or naval officer may be willing to risk something to get possession of an insulated post by a prompt movement, expecting to accomplish his enterprise before his adversary can be prepared, or succor obtained; and this, even when he looks to no other advantage than the capture of the garrison, and the effect which a brilliant exploit is calculated to produce; and when he is aware that he must abandon his conquest with as much celerity as he attained it. But formal investments of fortified places, with all their difficulties, and expense, and uncertainty, are only undertaken when there is some object of corresponding importance to be expected. We have works constructed, which it would require armies to reduce. Have we any reason to anticipate that they will be assailed by a force proportioned to their magnitude?

I have already remarked that a European Power cannot expect to retain permanent possession of any part of this country. If, therefore, he succeed in overcoming or eluding our fleets, and is prepared with a respectable land force, and ready to risk its employment upon our territory, he can land at many points which we cannot close against him. His debarkation is not a question of practicability, but of expediency. If a safe harbor or roadstead offer itself, and there is no defensive work to prevent his approach, he will, of course, land at the nearest point to the object of his marauding enterprise. If there is such a work, it will be a question of calculation whether it is better to attack and carry it, or to seek another, though more distant, point of debarkation. I think there can be but little doubt but there are few, if any, positions in our country which an enemy would not, under such circumstances, avoid. He would be aware of the facility of communication which our rivers, canals, and railroads afford, of the powerful use we should be prepared to make of steam, in its various forms of application, and of the immense force which, in a short time, could be concentrated upon a given point; and it is scarcely within the limits of possibility that he would venture, formally, to besiege one of our forts, or, if he did, that he would not repent his rashness. Neither the cooperation of his fleet, nor the nearer proximity of the place of landing to the object of attack, would induce him to seek these advantages at the cost which must attend the slow process of besieging a fort, when, by removing to another position, he would land in safety, and save in time, in promptness of movement, and in his escape from the perils of a doubtful contest, more than he would lose by the difference in distance.

I am aware it may be objected that the weakness of a work might tempt an enemy to attack it, and that it may be supposed the power of some of our fortifications to resist a seige may hereafter furnish the true reason why they may not be compelled to encounter one. Certainly the stronger a work is, the less will it be exposed to danger. But this would not furnish a sufficient reason for making its defences out of reasonable proportion to its exposure. The true inquiry is, what circumstances will probably induce and enable an enemy to assail a given point, and with what force; and how can we best meet and repel him? And I believe a just consideration of this proposition will lead to the conclusion that there are scarcely any positions in our country where an enemy would venture to set down before a work too strong to resist a *coup de main*. In the view, therefore, which I take of this whole subject, it will be perceived that I do not merely suppose an enemy will not invest our larger works, but that they would not do so were these works much inferior to what they are, both in their dimensions and construction.

What object would justify an enemy in attempting to land an army upon our coast? He would not expect to lay waste the country, for such a mode of warfare is not to be anticipated in the present state of society. All that, under the most favorable circumstances, he could accomplish, would be to gain sudden possession of a town, and levy contributions, or to destroy a naval establishment, commercial or military, and precipitately retire to his ships before his operations could be prevented, or his retreat intercepted. I cannot, therefore, concur in the suggestion made in the Engineer report, that the first of the three great objects to be attained by the fortifications of the first class should be to "prevent an enemy from forming a permanent or even a momentary establishment in the country." It is not suited to the present and prospective situation of the United States. I understand the establishments herein contemplated are not the temporary occupation of naval arsenals and cities for the purpose of destruction or plunder, because these objects are specially enumerated, but are lodgments, where armies may be stationed, and whence they may issue to commit inroads into the country.

I refer, in these remarks, to our maritime coast generally. There are, no doubt, certain points less equal to self-defence than others, and where the preparation must be greater. Of this class is the delta of the Mississippi, not only in consequence of its many avenues of approach, but because its great natural highway does not, at present, allow those lateral supplies of the *personnel*, which, from geographical formation and from the state of the settlements, can be speedily thrown upon most other points of the country. This region, however, is admirably adapted to the use of steam batteries, and they will form its principal means of defence.

To apply these remarks to the plan of fortifications partly completed and partly projected. Fort Monroe, at Old Point Comfort, covers about sixty-three acres of ground, and requires, by the estimates of the Engineer department, two thousand seven hundred men to garrison it in time of war. Its full armament consists of 412 pieces, of different descriptions and caliber. I have been desirous of comparing its superficial extent with some of the European fortresses; but the necessary information could not be obtained within the short time that could be allowed for the inquiry. I understand from General Gratiot, however, that it is probably larger than almost any of the single works in Europe which do not enclose towns within their circuit. Drinkwater, in his History of the Siege of Gibraltar, states that 572 guns were mounted upon that fortress.

The object to be attained by Fort Monroe, in conjunction with Fort Calhoun, intended to mount 232 guns, is to prevent an enemy from entering Hampton Roads, a safe and convenient roadstead. This object is important, because this bay is perfectly landlocked, and has sufficient depth of water for the largest vessels, and is, withal, so near the capes of the Chesapeake, that it furnishes the best station which an enemy could occupy for annoying our commerce, and for committing depredations upon the shores of that extensive estuary. But these works do not command the entrance into the Chesapeake; nor is Hampton Roads the only safe anchorage for a hostile fleet. Their possession, therefore, does not exclude an enemy from these waters, though they will compel him to resort to less convenient positions from whence to carry on his enterprises. A hostile squadron reaching the Chesapeake, and finding the entrance into Hampton Roads guarded by sufficient works, though much less extensive than those at Fort Monroe, would necessarily consider whether the possession of that roadstead is so important as to justify the debarkation of a large body of land troops, and to attempt to carry the works by regular approaches; and this in the face of the strenuous efforts which would be made to relieve it by all the aids afforded by the most improved facilities of communication, and by the light and heavy steam batteries which, upon the approach of war, would be launched upon the Chesapeake, and which, during periods of calm or in certain winds, could approach the hostile ships, and drive them from their anchorage or compel them to surrender, and most of which, from their draught of water, could take refuge in the inlets that other armed vessels could not enter. And even if the works were carried, they could not be maintained without the most enormous expense, nor, in fact, without efforts which no Government three thousand miles off could well make; and all this while Lynnhaven bay, York bay, the Rappahannock, Tangier island, the mouth of the Potomac, and many other places, furnish secure anchorage, and are positions from which an enemy, having the superiority, could not be excluded, and while, in fact, a great part of the Chesapeake may be considered as affording good anchorage ground for large ships. Neither of them is equal to Hampton Roads, but most or all of them furnish stations for occupation and observation which would render it unnecessary to purchase the superior advantages of Hampton Roads by the sacrifice and hazard which would attend the effort. The occlusion of this roadstead does not secure Norfolk, important as it is, from its commerce and navy yard; it only prevents the access of ships of war to it, and against these there is an interior line of defence, which may be considered as accessary to, and, if necessary, independent of, the other. And a land force, deeming the destruction of the navy yard at Norfolk a sufficient object to justify such an expedition, would not set down before Fort Monroe, if its scale of defence were far inferior to what it now is, but would debark at Lynnhaven bay, where there is no impediment, and march in five or six hours through an open country to Norfolk.

New York is, in every point of view, our most important harbor, and its defences should provide for every reasonable contingency. The Engineer report recommends three classes of works: an exterior one for the protection of the harbor; an interior one to shut up Raritan bay; and a third to prevent a hostile fleet from approaching the city through the sound, nearer than the vicinity of Throg's Point. The importance of the first class cannot be doubted. That of the second depends on the value of Raritan bay to an enemy as an anchorage ground, and on the utility of excluding him from a landing at Gravesend bay, upon Long Island, whence an army could march, without obstruction, to Brooklyn and New York. The third is proposed to be erected, in order to bar his access to the lower part of the sound, or, more accurately speaking, to prevent his reaching Hell-gate, a natural barrier, which no fleet could pass, and which is within ten miles of the city. Here, if his aim were New York, he would land, and would find no works to prevent his approach. The two forts proposed to be erected at Throg's Neck and Wilkins's Point, eight miles further up the sound, would compel him to debark beyond the reach of their guns, and would thus add that distance to his march, while, on the north shore, Harlem river would be interposed between him and the city. On the Long Island side there would be no difference but that occasioned by the distance.

It is obvious, then, that, in the consideration of this plan, involving an estimated expenditure, in the aggregate, of $5,807,969, and efficient garrisons, in time of war, of nine thousand men, a close investigation should be made into all the circumstances likely to influence the operations of an enemy. Is the anchorage ground between the Narrows and Sandy Hook of sufficient value to an enemy, looking to the risk of his occupation of the coast, and to the doubts that may be reasonably entertained of the result of so great an experiment, to be carried on, in fact, in the sea, to authorize the commencement of these works without a new examination? Or is the probability of the disembarkation of an army at Gravesend bay, in preference to some other point upon the coast of Long Island, if a convenient one exists, so great as to require these preparations? The same questions may be asked respecting Wilkins's Point. The work at Throg's Point is in the process of construction; and as the river is only about three fourths of a mile wide at this place, I think its completion would be sufficient for this line of defence till the proposed general examination can take place.

The situation of New York affords a fine theatre for the operation of floating batteries; and whether a sufficient number of them would secure it from the designs of an enemy, better than the full completion of the extensive system of permanent fortifications recommended, is a question deserving investigation. Such an investigation I recommend; and after all the necessary facts and considerations are presented, the Government should proceed to place this commercial metropolis of the country in a state of security.

The works at Newport cover about twenty acres, and will mount 468 guns, and will need for their defence about two thousand four hundred men. I cannot, myself, foresee the existence of any circumstances which now call for a fortress of this magnitude in the very heart of New England, constructed, not merely to command the harbor of Newport, but to resist a siege which would, probably, require nearly twenty thousand men to carry it on. I am at a loss to conjecture what adequate motive could induce a foreign Government to detach a fleet and army upon this enterprise. The expense would be enormous. The French army that invaded Egypt was less than 40,000 men, and required for its protection and transportation between 500 and 600 vessels. The army that conquered Algiers was about equal in force, and required, it is said, about 400 transports, besides the ships of war. This scale of preparation for enterprises against the shores of the Mediterranean may enable us to form some conception of the arrangements that would be necessary to send across the ocean to this country, in the present day of its power, an expedition strong enough to form an establishment upon our shores, and to furnish it with supplies necessary to its subsistence and operation.

It has been supposed, indeed, by the board of engineers, that an army would find sufficient reason for the occupation of Rhode Island, in the consideration that it would afford a secure lodgment whence expeditions could be sent to every part of our coast. But it is to be observed that no part of Narragansett bay is necessary for the safety of a hostile fleet, watching that part of our coast. Gardiner's bay, in that vicinity, is a most safe and convenient station, which was occupied by the British during almost the whole of the late war; and it is pretty clear that it cannot be defended by any stationary fortifications that can be constructed. If it can, by floating batteries, so may Narragansett bay, and the enemy thus be prevented from occupying the latter also, without these extensive arrangements, requiring, after Fort Adams shall have been completed at an expense of one million three hundred and twelve thousand dollars, four other forts and a sea wall to be constructed, and eleven hundred and fifty-seven thousand dollars to be expended.

I do not think that the most prudent forecast ought to lead to the apprehension that a force competent to seize such a position would be sent to our country, or that any circumstances could enable them to maintain it in the face of the vigorous efforts that would be made to recover it, and in the midst of a country abounding in all the means to give effect to their exertions. But perhaps the most striking objection to the completion of this extensive plan is, that, under no possible circumstance, can it effect the desired object. That object, if I understand it, is not the mere exclusion of an enemy from Rhode Island, but it is to prevent him from taking possession of a safe and convenient position, whence he could detach his forces, by means of his naval superiority, to any other part of the coast, which would thus be exposed to his depredations.

The value of Gardiner's bay, as a place of naval rendezvous, I have already described. Block island, in its neighborhood, could be occupied by troops desiring only a lodgment; and so could Nantucket island and Martha's Vineyard, and these are only a few hours' sail from Narragansett bay. Buzzard's bay is also a safe and capacious harbor, which cannot be defended, and Martha's Vineyard sound affords commodious places of anchorage. A fleet riding in these moorings would have under its command all the islands in this group, and could secure its communications with its land forces, encamped upon them, which would thus be enabled, at any proper time, to throw itself upon other parts of the coast. It may be doubted, if there were not a cannon mounted upon Rhode Island, whether an enemy, acquainted with the topography and resources of this country, would select it as his place of arms, if I may so term it, when there are islands in the neighborhood which would answer this purpose nearly as well, and where he would be in perfect safety as long as he could maintain his naval ascendency; and longer than that he could not, under any circumstances, occupy Rhode Island. And if I rightly appreciate the strength and spirit of that part of the country, his tenure, in any event, would be short and difficult. I do not mean to convey the idea that Rhode Island should not be defended. I think it should be; but I do not think that precautions should be taken against events which are not likely to happen. As there is no naval establishment here, it is not necessary to enter into any question concerning defensive arrangements exclusively connected with that object.

It will be perceived, also, that it is proposed to fortify Mount Desert island, on the coast of Maine, and that the expense is estimated at five hundred thousand dollars, and the number of the garrison competent to maintain it at one thousand men. This proposition is founded, not on the value of this harbor to us, for its possesses little, and is, in effect, unoccupied, but on account of its importance to the enemy. Were there no other secure position they could occupy in that quarter, and which could not be defended, I should think the views submitted upon this branch of the subject entitled to great weight. But there are many indentations upon this coast, affording safe anchorage, and which are either not capable of being defended, or, from their great number, would involve an enormous expense, which no sound views of the subject could justify. An enemy, therefore, cannot be deprived of the means of stationing himself upon this coast. And before this expenditure of Mount Desert island is encountered, it ought to be clearly ascertained that the difference, in its practical advantages to an enemy, between the occupation of Mount Desert island and that of some of the other roadsteads in this quarter, incapable of defence, would be sufficiently great to warrant this measure. My present impression is, that it would not.

And on the subject of roadsteads, generally, with a few exceptions, depending on their local positions, I am inclined to the opinion that any attempt to fortify them would be injudicious. I do not speak of harbors and inlets which are occupied by cities and towns, but of mere anchorage grounds, deriving their value from the shelter they afford. If all could be defended, and an enemy excluded from them, the advantages would justify any reasonable expenditure. But this is impracticable; and I doubt whether the circumstances in which most of them differ give such marked superiority to those we can defend over those we cannot, as to lead to any attempt to fortify them, in the first instance, and to maintain garrisons in them during a war.

I have adverted to these particular cases, in order to present my views more distinctly than I could do by mere general observations; certainly not from the remotest design of criticising the reports and the labors of the able professional men to whom the subject has been referred, nor of pursuing the investigation into any further detail.

I consider the duty of the Government to afford adequate protection to the seacoast a subject of paramount obligation; and I believe we are called upon, by every consideration of policy, to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town large enough to tempt the cupidity of an enemy should be defended by works, fixed or floating, suited to its local position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such a general rule, be much latitude of discretion in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate, principally, to the magnitude of the works; and if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary. Works should not be projected upon the presumption that they are to be exposed to, and must be capable of resisting, the attacks of a European army, with its battering train, and all its preparations for a regular siege. Neither our relative circumstances, nor those of any nation with which we shall probably be brought into conflict, can justify us in such an anticipation. All the defences should be projected upon a scale proportioned to the importance of the place, and should be calculated to resist any naval attack, and any sudden assault that a body of land troops might make upon them. But further than this, it appears to me, we ought not to go. The results at Stonington, at Mobile Point, at Fort Jackson, and at Baltimore, during the late war, show that formidable armaments may be successfully resisted with apparently inferior means. These, indeed, do not furnish examples to be followed, as to the scale of our preparations; but they show what stationary batteries have done in our country against ships of war.

It is to be observed that the great object of our fortifications is to exclude a naval force from our harbors. This end they ought fully to answer; and in this problem there are two conditions to be fulfilled:

1st. That they be able to resist any naval batteries that will probably be placed against them; and

2d. That they be also able to resist any *coup de main* or escalade which might be attempted by land.

An open battery, under many circumstances, might fulfil the first condition, but not the second, and therefore these works should be closed and regularly constructed. It is not to be denied that the proper boundary between the magnitude and nature of the works necessary to attain the objects indicated, and those required to resist, successfully, a formal investment, will sometimes become a matter of doubt; nor that circumstances may not be stated which might induce an enemy to open his trenches against one of these works, because its capacity for defence was not greater. That capacity, however, with relation to the question under consideration, has a far more intimate connexion with the magnitude than with the form of the works, because, if unnecessarily large, they entail upon the country a serious evil in the increased means for their defence, independently of the additional expense in their construction. It is principally, therefore, in the lattter point of view that I have presented the doubts which I have expressed upon this point.

Among the hypothetical cases heretofore stated by the board of engineers, was one which supposed that an army of twenty thousand men might be assembled upon one of the flanks of our coast, and that we ought to be prepared, at every important point, to resist the first shock of such a force. I have already glanced at the reasons, geographical, political, financial, and prudential, which, in my opinion, leave little room to expect that any enemy will, hereafter, project an enterprise of this magnitude, so certain in its expense, so uncertain in its result, and so disproportioned to any object which could probably be attained. And the suggestion which was made by the board, of defending the city of Washington, by works erected near the mouth of the Patuxent, proceeds upon similar views. Our navy, our floating batteries, our means of communication and concentration, seem to me far better adapted to the defence of this city than forts at the distance of nearly fifty miles, whose principal effect, if an enemy were resolved upon the enterprise, would be to compel him to make a detour in his expedition, or which would send him to some part of the coast of the bay between the Patuxent and Annapolis, or into the Potomac, where his descent would be uninterrupted, and where he would be but little, if any, further from Washington than at the head of navigation of the Patuxent.

Even during the last war, when the navy of Great Britain rode triumphant upon the ocean, but one serious attempt was made to force an entrance into a fortified harbor, and that was unsuccessful. The greatest possible force which can be brought, and the greatest possible resistance which can be applied, do not constitute a practical rule for the construction of our fixed defences. Moral considerations must also have weight. Probabilities must be examined. The power of the permanent batteries is one of the elements of security. So are the dangers of dispersion, and shipwreck, and all the hazards of a distant expedition, as these must operate on the councils of any country meditating such an enterprise, the efforts of our navy, the co-operation of the floating defences, and the troops which may be ready to meet the enemy upon his debarkation or march.

In submitting these reflections, I am desirous only of discharging the duty confided to me. I am gratified that the whole subject will be presented for the consideration of Congress in a systematic form, and that the principles of its future prosecution can now be settled. The plan originally devised was recommended upon great consideration, and, at the time its initiatory measures were adopted, was calculated for the state of the country. We had just come out of a severe struggle, and had felt the want of adequate preparation, and, above all, we had seen and deplored the circumstances which gave the enemy undisturbed possession of the Chesapeake, and its disastrous consequences; and it was to be expected that our arrangements for future defence should be planned upon the then existing state of things. I imagine there were few who did not concur in this sentiment. Because, therefore, some of our works, from the wonderful advancement of the country in all the elements of power, and from the development of new means of annoyance, are larger than are found necessary at this time, still this does not bring into question the wisdom of the original measure. And, as it is, they are most valuable and useful; but the experience we have acquired may be profitably employed in re-examining the plans proposed for the prosecution of the system, and in inquiring whether the change which has taken place in the condition of the country will not justify a corresponding change in the nature of our preparations, and whether we may not depend more upon floating and less upon stationary defences.

During the period which has intervened since the last war, we have nearly doubled in our population, and all our other resources have probably increased in a still greater ratio. Certainly, some of the facilities and means of defence are augmented beyond any rational expectations. The power of transporting troops and munitions of war has already opened new views upon this subject; and such is the progress and probable extent of the new system of intercommunication, that the time will soon come when almost any amount of physical force may be thrown, in a few hours, upon any point threatened by an enemy. Nashville may succor New Orleans in sixty hours; Cincinnati may aid Charleston in about the same time; Pittsburg will require but twenty-four hours to relieve Baltimore, and troops from that city and from Boston may leave each place in the morning, and meet in New York in the evening. This wonderful capacity for movement increases, in effect, some of the most important elements of national power. It neutralizes one of the great advantages of an assailing force, choosing its point of attack, and possessing the necessary means of reaching it. Detachments liable, under former circumstances, to be cut off in detail, may now be concentrated without delay, and most of the garrisons upon the seaboard may be brought together, and, after accomplishing the object of their concentration, be returned to their stations in time to repel any attack meditated against them.

The improvements which are making in the application of steam have furnished another most important agent in the work of national protection. There can be but little doubt that floating batteries, propelled by this agent, will be among the most efficient means of coast defence. In our large estuaries, such as the bays of New York, of the Delaware, and of the Chesapeake, they will be found indispensable; and one of the most important advantages to be anticipated from the works at Old Point Comfort is the security they will afford to the floating batteries co-operating with them, and which will find a secure shelter in Hampton Roads. A hostile fleet, about to enter the Chesapeake, would certainly calculate the means of annoyance to which it would be exposed by these formidable vessels. During a calm they would take a distant position, insuring their own safety, while, with their heavy guns, they might cripple and destroy the enemy; and their power of motion would enable them, under almost all circumstances, to approach the fleet, and to retire, when necessary, where they could not be pursued. I think it doubtful whether a squadron would anchor in the Chesapeake, or proceed up it, if a competent number of these batteries were maintained and placed in proper positions.

These considerations may well lead us to doubt the necessity of such extensive permanent works, while their non-existence at the time the system was adopted justifies the views which then prevailed; and, without advancing any rash conjecture, we may anticipate such improvements in this branch of the public service as will make it the most efficient means of coast defence. These vessels, properly constructed, may become floating forts almost equal to permanent fortifications in their power of annoyance and defence, and in other advantages far superior to them. Being transferable defences, they can be united upon any point, and a few of them be thus enabled to protect various places. We have been brought by circumstances to a more rigid investigation of our means of defence, and to a re-examination of the whole subject. After an interval of twenty years of tranquillity, public sentiment and the attention of the Government were, by unexpected circumstances, more forcibly directed to this matter. The result cannot fail to be advantageous. The whole subject can be now re-examined by Congress, with all the benefits which much experience has brought, and with the advantage of adapting the system to the advanced state of the country.

There are two bills for fortifications now pending before Congress. One before the House, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves, under any view of the general subject, and not unreasonable in amount for the present year, because they include the operations of two years. The incidental expenses, however, may be safely reduced one half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

The bill pending before the Senate contains appropriations for nineteen new works, and for the sum of $600,000, to be expended for steam batteries. The estimates on which this bill was founded were prepared at a time when prudence required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defence was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, were asked of Congress. It was no time then to stop, and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

At Penobscot bay, for the protection of Bangor, &c.; at Kennebeck river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Sollers's Flats; a redoubt on Federal Point; for the Barancas; for Fort St. Philip.

These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations.

The other works contained in this bill are:

For Provincetown.—And this proposition may be safely submitted to another inquiry, as the practicability of excluding an enemy from any shelter in Massachusetts bay, a matter of deep interest, and as a work at Provincetown, are closely connected.

For Rhode Island, Narragansett bay.—This work may await the result of the views that may be eventually taken on the subject of fortifying this bay.

For a work at the Delaware, outlet of the Chesapeake and Delaware canal.—This may be postponed without injury till next season; and, in the mean time, a project for the floating defences of the Delaware considered, and perhaps the size of the proposed work reduced.

For a work at the Breakwater.—Until the effect of the deposites which are going on in this important artificial harbor are fully ascertained, I consider it injudicious to erect a permanent work for its defence. Another year will, perhaps, settle the question; and if the result is favorable, an adequate fortification should be constructed here without delay.

For a fort on the Patuxent river, and for a fort at Cedar Point.—Both of these works are liable to some of the objections stated, and I think they had better be postponed for more mature consideration.

For fortifications at the mouth of the St. Mary's, Georgia.—This proposition may also be safely submitted to examination.

The estimate for steam batteries may be reduced to $100,000. That sum can be profitably employed.

If these appropriations are early made, most, if not all, these works can be put in operation this season, and the money usefully applied, as fast as their progress will justify; and I think the measure would be expedient. But it is to be remembered that the power of the Department to push them, during the present year, will depend on the re-organization of the corps of engineers. If that corps is not increased, it will be unnecessary to make the appropriations in the bill before the Senate, as the objects contained in the other bill will be sufficient to occupy the time of the present officers of the corps.

Should it be deemed proper to re-examine the subject of the proposed fortifications generally, I would then recommend that an appropriation of $30,000 be made to defray the expenses of a board, including surveyors, &c.

My reflections upon the whole subject lead to the following practical suggestions on the great subject of the measures for the defence of the country:

1. An augmentation of the navy, upon the principles before stated.

2. The adoption of an efficient plan for the organization of the militia.

Having already, in two of the annual reports I have had the honor to make to you, expressed my sentiments upon this subject, I have nothing new to lay before you, either with relation to its general importance, or to the necessary practical details. I consider it one of the most momentous topics that can engage the attention of Congress; and the day that sees a plan of organization adopted, suited to the habits of our people and the nature of our institutions, and fitted to bring into action the physical strength of the country, with a competent knowledge of their duty, and just ideas of discipline and subordination, will see us the strongest nation, for the purposes of self-defence, on the face of the globe. Certainly such an object is worthy the attention of the Legislature.

3. The cultivation of military science, that we may keep pace with the improvements which are made in Europe, and not be compelled to enter into a contest with

an adversary whose superior knowledge would give him pre-eminent advantages. War is an advancing science. Many an original genius and many an acute intellect are at all times at work upon it; and the European communities have such a relation to one another, that the profession of arms is peculiarly encouraged, and every effort made to place their military establishments, not at the highest numerical point, but in the best condition for efficient service, both with respect to its *morale* and *materiel.* It is not by the mere reading of professional authors that the necessary instruction in this branch of knowledge can be obtained; there must be study and practice; a union of principle and details, which can best be obtained by a course of education directed to this object. This, I think, is one of the greatest advantages of the Military Academy. It cannot have escaped the recollection of those who were upon the theatre of action at the commencement of the last war, that the first year was almost spent in a series of disasters, which, however, brought their advantages. We were comparatively ignorant of the state of military science, and we did not fully recover our true position till we had received many severe lessons; at what an expense of life and treasure need not be stated.

4. The skeleton of a regular establishment, to which any necessary additions may be made, securing, at the same time, economy, with a due power of expansion, and the means of meeting a war with all the benefit of a regularly organized force. This object is attained by our present army.

5. The preparation and proper distribution of all the munitions of war, agreeably to the views hereinafter submitted.

6. I think all the defensive works now in the process of construction should be finished, agreeably to the plans upon which they have been projected.

7. All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that may probably arise.

Having already presented my general views upon this branch of the inquiry, I need not repeat the practical limitations which I propose for adoption. But before any expenditure is incurred for new works, I think an examination should be made, in every case, in order to apply these principles to the proposed plan of operations, and thus reduce the expense of construction where this can properly be done, and, also, the eventual expense of maintaining garrisons required to defend works disproportioned to the objects sought to be attained. I would organize a board for this object, with special instructions for its government.

8. Provision should be made for the necessary experiments, to test the superiority of the various plans that may be offered for the construction and use of steam batteries; I mean batteries to be employed as accessories in the defence of the harbors and inlets, and in aid of the permanent fortifications.

The progressive improvement in the application of the power of steam renders it inexpedient, at any given time, to make extensive arrangements, connected with this class of works, with a view to their future employment. The improvement of to-day may be superseded by the experience of to-morrow; and modes of application may be discovered, before any exigency arises, rendering a resort to these defences necessary, which may introduce an entire revolution into this department of art and industry. Still, however, experiments should be made, and a small number of these vessels constructed. Their proper draught of water, their form and equipment, the situation and security of their machinery, the number, caliber, and management of their guns, and the best form of the engines to be used, are questions requiring much consideration, and which can only be determined by experience. And there can be little doubt that suitable rewards would soon put in operation the inventive faculties of some of our countrymen, and lead to the tender of plans practically suited to the circumstances. As we acquire confidence by our experience, arrangements could be made for collecting and preparing the indestructible materials for the construction and equipment of these vessels, as far as such a measure may not interfere with any probable change which at the time may be anticipated in the application of the power of steam.

9. I recommend a reconsideration of the project for fortifying the roadsteads or open anchorage grounds, and its better adaptation to the probable future circumstances of the country.

And I would suggest that the works which are determined on be pushed with all reasonable vigor, that our whole coast may be placed beyond the reach of injury or insult, as soon as a just regard to circumstances will permit. No objections can arise to this procedure on the ground of expense, because, whatever system may be approved by the Legislature, nothing will be gained by delaying its completion beyond the time necessary to the proper execution of the work. In fact, the cost will be greater the longer we are employed in it, not only for obvious reasons, arising out of general superintendence and other contingencies, but because accidents are liable to happen to unfinished works, and the business upon them is deranged by the winter, when they must be properly secured; and the season for resuming labor always finds some preparations necessary which would not have been required had no interruption happened.

But the political considerations which urge forward this great object are entitled to much more weight. When once completed, we should feel secure. There is probably not a man in the country who did not look with some solicitude, during the past season, at our comparatively defenceless condition, when the issue of our discussions with France was uncertain; and who did not regret that our preparations, during the long interval of peace we had enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the Government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence cannot fail to produce an influence upon other nations, as well in the advent of war itself as in the mode of conducting it. If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparation. An unprotected commerce, a defenceless coast, and a military marine wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel.

There are two suggestions connected with the prosecution of our works, which I venture to make:

First. That the corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to Congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase. And,

Secondly. I think that, when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the Treasury in annual instalments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works would probably exhibit an amount far greater than is generally anticipated.

The report from the Ordnance department shows the quantity and nature of the munitions of war estimated to be eventually necessary, and their probable cost, including new establishments necessary for their fabrication and preservation. The conjectural amount is $29,955,537.

Believing it is not expedient, at present, to make any preparations upon a scale of this magnitude, I have deemed it proper to accompany this report with a brief statement of my own views, where I depart from the suggestions that are presented in this document.

As our fortifications are constructed, their armaments should be provided; and the amount in depot should at all times exceed the anticipated demand, to meet the casualties of the service. We have now on hand 1,818 new cannon for seacoast defence, and about 1,000 others, most of which are either useless or of doubtful character. The works actually finished, or so far completed as to admit of a part of their armament being placed in them, require about 2,000 guns. They are calculated ultimately to mount about 600 more. Others in the process of construction will require about 1,400. So far we have certain data for our estimates; unless, indeed, which I am inclined to believe, it should not be found necessary ever to provide the full complement destined for the largest of these works. Beyond this the subject is conjectural. And the quantity needed must depend upon the principles that may be adopted in the further progress of the system of fortifications. There are four private foundries at which the public cannon are cast. These, if their whole attention were devoted to the object, could manufacture from 1,200 to 1,500 annually. As to carriages and other supplies, the amount that could be procured within a reasonable period is almost indefinite. Iron carriages are now made for all the casemate batteries, and they have not only the advantage of indestructibility from the atmosphere, but, requiring no seasoned materials, they may be supplied by the foundries through the country to almost any extent.

We have two armories for the manufacture of small arms, and there are seven private establishments which fabricate arms for the Government. All these supplies are of the best description, and are submitted to a rigid inspection, which prevents imposition. The armories can at present turn out about 27,000 arms annually, and probably 11,000 or 12,000 could be made at existing private establishments. Should any exigency require larger supplies, the quantity can be much increased. We have now on hand about 700,000 small arms, and there have been issued to the States about 180,000 muskets, 25,000 rifles, 30,000 pistols, and 378 field cannon and carriages, under the act for arming the militia. If 100,000 of these muskets and rifles are preserved, there are in the country 800,000 of those species of arms belonging to the General or State Governments.

What may be considered a proper supply, is a question admitting much difference of opinion. It will be seen that the Ordnance department fixes the amount at about 600,000, in addition to what are now on hand, and including the number necessary to arm the militia. We had, at the commencement of the last war, 240,000 muskets, and during its progress 60,000 more were made and purchased. At its termination there were but 20,000 at the various arsenals. The residue were in the hands of the troops, or had been lost in the service. This consumption was greater, I think, than was necessary, or than would probably again take place. A plan of accountability has been introduced, by which the men are charged with the arms they receive; and if these are improperly lost or injured, the value is deducted from their pay. The paymasters cannot settle with them till this matter is adjusted.

The stock of small arms in Great Britain, in depot, in 1817, was - - - - -	818,282
In the public service, - - - -	200,974
Total, - -	1,019,256

The number in depot in France, in 1811, was 600,000, not including the great number in service.

My own impression is, that 1,000,000 small arms may be considered a competent supply for the United States; and if so, a large deduction may be made from the estimate of the Ordnance department, under this head of expenditure. Although the component materials of these arms are almost imperishable, still it is not expedient to keep a stock unnecessarily large on hand; because there is not only some risk and expense in their preservation, but because, like every other article manufactured by man, they are no doubt susceptible of great improvement. And it may be that those now made may be superseded by an improved model, which, once introduced, must be adopted, at whatever expense or inconvenience, by all nations. And the ingenious invention lately exhibited in this city, by which a series of balls in separate charges are brought, by a rotary motion, to a common place of discharge, suggests the possibility of a revolution in the form of our firearms.

On the subject of depots for these arms, I accord with the general suggestions made by the Colonel of Ordnance. I think the number should be increased, and arms placed in every part of the country, ready to be used as circumstances may require.

It will be observed that, in the estimate I have made, I confine myself to the armament for the public service, connected with the actual defence of the country, whether to be used by the army or militia, in time of war; but I do not extend my views to a supply for arming the militia, in order to discipline them in time of peace. The extent of this policy is a question not necessary in the consideration of the subject before me.

As the arms in depot approach whatever number may be assumed as the proper maximum, the necessity for additional armories becomes less. When our stock is once completed, the present armories, without any aid from the private establishments, will be able to supply the annual consumption. I think, therefore, that two additional armories, as suggested by the Ordnance department, are not wanted. And, indeed, although there are considerations attending the transportation of the crude and the manufactured article, and other circumstances, which would justify the establishment of a new armory upon the Western waters at present, yet, if the measure is not carried into effect soon, its importance will annually diminish.

But a national foundry for cannon, both for the military and naval service, and perhaps two, in different sections of the country, should be erected without delay. The best interests of the public require it. But I have nothing to add to the suggestions made upon this subject in my last annual report.

As to field artillery, the extent to which it shall be provided must depend upon the views of the Legislature concerning the expediency of issuing it to the militia. If a more efficient organization does not take place, I think the expenditure on this account may well be saved to the public Treasury. I consider all attempts to improve the condition of the militia upon the present plan as so nearly useless, that the whole system has become a burden upon the public, without any corresponding advantage. The principal benefit which results from the existing state of things is the power to call into service such portions of the population as may be wanted. But this may be attained by a simple classification, without the cumbrous machinery which at present creates expense and trouble, and which, while it promises little, performs still less.

Very respectfully, sir, I have the honor to be, &c.

LEW. CASS.

The President *of the United States.*

OFFICIAL REPORT FROM THE NAVY DEPARTMENT.

Navy Department, *March* 31, 1836.

Sir: In answer to so much of the resolutions of the Senate of the United States of the 18th ultimo, as required information as to "the probable amount of appropriations that may be necessary to supply the United States with ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand, and the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and welfare of the Union," I have the honor to lay before you a report of the Board of Navy Commissioners of the 2d instant, which contains the best information upon the subjects referred to in the possession of this Department; which is respectfully submitted.

MAHLON DICKERSON.

To the President *of the United States.*

Navy Commissioners' Office,
March 2, 1836.

Sir: The Board of Navy Commissioners have the honor to acknowledge the receipt of your letter of the 26th ultimo, requesting a "report on the probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, (so far as may be wanted for the purposes of the navy,) which a proper regard to self-defence would require to be always on hand, and on the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and welfare of the Union."

In conformity to these instructions, the Board respectfully state, with respect to the ordnance for the navy, that, after a careful examination of the subject, taking into consideration the ordnance and ordnance stores now on hand, and the extent of force for which it may be expedient to make early provision, they are of opinion that the sum of one million eight hundred thousand two hundred and fifty dollars will be required to supply the ordnance, arms, and munitions of war, which may be wanted for the use of the navy, and which a proper regard to self-defence would require to have prepared ready for use. (See paper A, annexed, for the detail.)

The Board beg leave respectfully to observe, that, for the vessels which are now built, or have been specially authorized, armaments may be provided, with some partial exceptions, from the cannon and carronades already provided, and the deficient ordnance, arms, and other ordnance stores, will be principally required for the vessels which are yet to be authorized or built. It is therefore respectfully recommended that any appropriation for this purpose, instead of being special or separate, should be included in an appropriation for "building and repairing vessels, and for the purchase of materials and stores for the navy."

The second object of inquiry, as to "the probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and welfare of the Union," embraces a wide range, requires an examination of several subjects of great importance, and the expression of opinions upon which differences of opinion may and probably will exist. Before any estimate can be formed of the probable amount that would be necessary for the purposes proposed, an examination must be had, and an opinion formed, of the nature and extent of the naval force which is "necessary to place the naval defences of the United States upon the footing of strength and respectability which is due to the security and welfare of the Union," and the time within which it ought to be, or might be, advantageously prepared.

Taking into view the geographical position of the United States, with reference to other nations with whom we are most likely to be brought into future collision; the great extent of our maritime frontier, and the extreme importance of securing the communications of the whole valley of the Mississippi, through the Gulf of Mexico, and the intercourse between all parts of the coast; the efficient protection of our widely extended and extremely valuable commerce, under all circumstances; and the great naval and fiscal resources of the country, the Board consider the proper limit for the extent of the naval force to be that which can be properly manned, when the country may be involved in a maritime war.

In estimating this extent, it is assumed that about ninety thousand seamen are employed in the foreign and coasting trade and fisheries. As the navigation has been generally increasing, there is little reason to apprehend any immediate diminution during peace. In any war which would require the employment of all our naval force, it is believed that such interruptions would occur to our commerce as would enable the navy to obtain, without difficulty, at least thirty thousand seamen and ordinary seamen; and if it should continue long, it is probable that a larger number might be engaged. The number of thirty thousand, with the landsmen who may be safely combined with them, will therefore be assumed as the number for which vessels ought to be prepared, for the commencement of a state of hostilities.

With respect to the nature of the force which it would be most advantageous to prepare, there will undoubtedly be differences of opinion. The materials for the larger vessels, as ships of the line and frigates, would be obtained with great difficulty, under circumstances which should interfere with our coasting trade, whilst sloops of war and smaller vessels could be built with greater comparative facility, under such circumstances.

The preparation of a considerable number of steam vessels, ready to defend our great estuaries, to aid the operations of our other naval force, and in the concentration or movements of the military force, as circumstances might require, is believed to demand serious and early attention.

Having due regard to these and other considerations, the Board propose that the force to be prepared, ready for use when circumstances may require it, shall consist of 15 ships of the line, 25 frigates, 25 sloops of war, 25 steamers, and 25 smaller vessels; and that the frames and other timber, the copper, ordnance, tanks, and chain cables, shall also be prepared for 10 ships of the line and 10 frigates.

The force proposed to be prepared, ready for use, will employ, and can be manned by, the 30,000 seamen and others which have been considered available in a state of war. The materials for the 10 ships of the line and 10 frigates will constitute a necessary reserve for increasing the number of those vessels, should they be required, or for supplying losses from decay or casualties.

To estimate the amount necessary to prepare this force, it is proposed to ascertain the whole probable cost, including ordnance, by the average cost of similar vessels already built, (steam vessels excepted,) and of materials already procured, and then to deduct the value of the present force, and all other present available means.

Total cost of 15 ships of the line - -		$8,250,000
25 frigates - - -		8,750,000
25 sloops - - -		3,125,000
25 steamers - - -		5,625,000
25 smaller vessels - -		1,250,000
Total for vessels - - -		27,000,000
For the proposed materials, as a reserve		3,315,000
Total amount required - -		$30,315,000
Deduct from this sum the value of the present force and available means, as follows:		
In vessels afloat, valued at sixty one-hundredths of original value, about - - -	$4,440,000	
In vessels building, at actual cost	2,455,000	
In materials collected for building do. - - -	2,945,000	
In Treasury for these purposes, 1st October, 1835 - -	1,215,000	
For three years' appropriation "gradual improvement," when due - - -	1,500,000	
Total of present value and available means -		12,555,000
Leaves still to be provided for vessels		$17,760,000

In presenting any estimate for the amounts which may be necessary to place the different navy yards in a proper situation, the Board can do no more than give very general opinions, as the objects of expenditure are foreign to their own professional pursuits, and they have no civil engineer to whom they can refer for the necessary detailed information.

From a knowledge of the cost of works hitherto completed or in progress, and of the wants at the respective yards for the proper preservation of materials, and for extending the means for building, preserving, repairing, and equipping vessels, they are satisfied, however, that the public interests would be greatly promoted, and, in fact, absolutely require an average annual expenditure of $500,000, for some years to come, upon the different yards.

In New York, the necessity for a dry dock is severely felt already, and its importance will increase with an increase of the navy. This, with its dependencies, will require nearly a million of dollars. At Pensacola, which nature has designated as one of the naval keys of the Gulf of Mexico, and of the immense commerce of the valley of the Mississippi, large expenditures will be necessary to secure adequate means for repairing and subsisting a naval force upon that station, and thus prevent the many evils which would be severely felt in a state of war, if the vessels were obliged to resort to the Atlantic ports for ordinary repairs or supplies of any kind. In other yards, there are objects of great and urgent importance.

Generally, the proposed arrangements for the preservation of all materials and vessels should precede their collection or construction. Whilst, therefore, the Board propose $500,000 as the average annual appropriation until the yards should be placed in proper order, they would also state that appropriations of $700,006 annually for the next four or five years, and a less sum than $500,000 afterwards, would, in their opinion, be most judicious.

The next subject for consideration is, the nature and extent of force proper to be kept employed in a time of peace, for the protection of our commercial interests, and to prepare the officers and others for the efficient management of the force proposed for a state of war.

Our commerce is spread over every ocean; our tonnage is second only to that of Great Britain, and the value of articles embarked is believed by many to be fully equal to those transported by the ships of that nation. In the safety and prosperity of this commerce all the other interests of the United States are deeply interested. It is liable to be disturbed and injured in various modes, unless the power of the country, exerted through its naval force, is ready to protect it. It is, therefore, proposed that small squadrons should be employed upon different stations, subject, at all times, however, to such modifications as circumstances may require.

Of these squadrons, one might be employed in the Mediterranean, and attend to our interests on the west coasts of Spain and Portugal, and southward to the western coast of Morocco and Madeira.

One in the Indian ocean, to visit, successively, the most important commercial points east of the Cape of Good Hope, to China, then to cross the Pacific, visit the northern whaling stations and islands, cruise some time upon the west coast of America, and return by way of Cape Horn, the coast of Brazil, and the windward West India islands.

One in the Pacific ocean, to attend to our interests upon the west coast of America; keeping one or more vessels at or near the Sandwich and other islands which are frequented by our whale ships and other vessels, and, in succession, cross the Pacific, visiting the islands and southern whaling stations, China, and other commercial places, and return, by the way of the Cape of Good Hope, to the United States.

A squadron upon the coast of Brazil, or east coast of South America, might be charged with attention to our interests on the whole of that coast, and upon the north coast, so far as to include the Oronoco. If a ship of the line should be employed on this station, it might be occasionally sent round to the Pacific.

A squadron in the West Indies and Gulf of Mexico will be necessary for, and may be charged with, attention to the protection of our commerce amongst the West India islands and along the coast of South America, from the Oronoco, round to the Gulf of Mexico.

A small coast squadron upon our Atlantic coast might be very advantageously employed in making our officers familiarly and thoroughly acquainted with all our ports and harbors, which would be very useful in a state of war. The vessels would also be ready for any unexpected service, either to transmit information or orders; to reinforce other squadrons, or to visit our Eastern fisheries. Besides this cruising force, it is recommended that a ship of the line be kept in a state of readiness for service, men excepted, at Boston, New York, and Norfolk, and used as receiving-ships for the recruits, as they are collected. This would give the means of furnishing a considerable increase of force, with a very small addition to the current expense.

For the nature and distribution of this force, the following is proposed:

	Line.	Frigates.	Sloops.	Steamers.	Smaller.	Total.
Mediterranean, - -	1	2	2	–	2	7
Indian ocean, - -	–	1	2	–	1	4
Pacific, - -	–	2	3	–	2	7
Brazil, - - -	1	1	2	–	2	6
West Indies, - -	–	1	4	1	2	8
Home, - - -	3*	1	2	3	1	10
	5	8	15	4	10	42

* As receiving-ships.

Considering this force with reference to its power of giving experience to the officers, and qualifying them for the management of the force proposed for war, it appears that, for the force proposed to be actually employed at sea, in peace and in war, the peace force will require and employ about two thirds the number of commanders of squadrons, about one third the captains, and forty one-hundredths of the commanders and lieutenants and masters, which the proposed war force would demand, and midshipmen sufficient to supply the additional number of these last classes which a change to a state of war would require.

Supposing the foregoing force to be that which is to be kept in commission, the next question is, what force will be necessary to keep afloat, to provide the necessary reliefs? The Board believe that this force should be the least which will answer the object proposed, as every vessel when launched is exposed to a decay which is much more rapid than when left under the cover of a tight ship-house.

We have already six ships of the line afloat, which will be fully equal to our present wants, when they are repaired. A reserve of three frigates may be required, but only to be launched when the necessity for it shall arise; for the sloops of war and smaller vessels, it will probably be sufficient to merely keep up the cruising force as proposed, except some extraordinary demand should arise. The force of steam vessels proposed, when distributed at Boston, New York, Norfolk, and Pensacola, would probably meet all the demands of a state of peace, and furnish useful schools for officers, to prepare them for the proper management of others, when they are required. The force to be kept afloat, then, will be assumed at 6 ships of the line, 11 frigates, 15 sloops of war, 4 steamers, and 10 smaller vessels. The annual amount necessary to keep this force in a state of repair, and to supply the wear and tear of stores of cruising vessels, is estimated at $950,000.

The estimated expense of the force which is proposed to be kept in commission, exclusive of the repairs as above stated, and for the pay of the officers of the navy yards, rendezvous, receiving vessels, of superintendents, and civil officers, at all the shore establishments, and at the present cost of those establishments, is—

For pay of officers and seamen in commission, superintendents, and civil officers, and all others, at all the establishments, about	$2,500,000
For provisions,	750,000
For medicines and hospital stores,	60,000
For ordnance stores, powder, &c.	120,000
For contingencies of all kinds,	390,000
Total for the navy branch,	$3,850,000

If the marines are continued as a part of the naval establishment, instead of substituting ordinary seamen and landsmen for them in vessels, and watchmen in navy yards, and transferring the marines to the army as artillery, as has sometimes been suggested, the sum of about $400,000, annually, will be required for that corps.

To determine the *annual amount* which it may be necessary to appropriate to prepare the vessels and reserve frames and other materials which have been proposed, some *time* must be assumed, within which they shall be prepared. Believing that reference to the ability of the Treasury to meet the probable demands upon it, for all the purposes of the Government, must necessarily be considered in determining what amount may be allotted to the navy, the Board have examined the reports of the Secretary of the Treasury, and respectfully propose to establish the ordinary annual appropriations for the navy, including the ordnance, at seven millions of dollars.

The operation of such annual appropriations may be seen by the following recapitulation of the proposed heads of expenditure:

For the force in commission, and its dependencies, as before stated,	$3,850,000
The *average* appropriation for navy yards,	$500,000
For the repairs and wear and tear of vessels,	950,000
For building vessels and purchase of materials,	1,300,000
Total for the navy proper,	6,600,000
For the marine corps,	400,000
	$7,000,000

By the adoption of this gross sum for the navy and its dependencies, and the other items as proposed, $1,300,000 would be annually applied to increasing the number of our vessels and the purchase of materials; and, with this annual expenditure, the deficiency of $17,760,000 would not be supplied sooner than between thirteen and fourteen years, or at about the year 1850. The Board consider this as the most *remote* period at which the proposed force ought to be ready, and are of opinion that it might be prepared much sooner, should Congress deem it necessary or advisable to make larger appropriations than have been suggested.

The Board have expressed the opinion that no more vessels should be launched than are absolutely necessary to meet the demands for the force to be kept in commission; but, as a necessary consequence, they recommend that the other additional force should be in such a state of readiness, that it may be launched and equipped by the time that men could be obtained for it. This arrangement renders an early attention to the completion of all the building-slips, ship-houses, and launching-ways, at the different yards, so that the ships may be built, and that our docks, wharves, workshops, and storehouses, should be finished; that our ships may be equipped with the greatest economy and despatch, whenever they may be required.

Before concluding this report, the Board would respectfully offer some remarks upon the form of the appropriations, and suggest some attention to existing acts of Congress.

By the separate acts for the gradual increase of the navy, for the gradual improvement of the navy, for building and rebuilding different vessels—altogether seven in number—each appropriation is rendered separate and distinct, although the general object is the same, and requires the use of the same kinds of materials. It is necessary, in conformity to the law of the 3d of March, 1809, that the vouchers, receipts, expenditures, and accounts of each should be kept separately; and, in strictness, no article purchased for one can be applied to the use of another, however desirable or economical such use may be.

It is suggested, therefore, for consideration, whether it might not be very advantageous for Congress to determine, by some general act or resolution, the number and classes of vessels which the President might be authorized to have built, or for which materials might be procured; and then appropriate specially the amounts which might be devoted to those objects, and for keeping the force afloat in repair, under the general head of "For building and repairing vessels, and for purchase of materials and stores."

The adoption of some such plan, and removing the special restrictions which now exist, and requiring, as at present, detailed estimates for the current repairs, and reports of proceedings in building vessels and for purchase of materials, would, it is believed, greatly simplify and diminish the number of accounts at the Treasury Department, and in all the navy yards, without infringing in any degree the principle of special appropriations; would furnish to Congress all the information they now receive, and would enable us at all times to use those materials which are best prepared, and most appropriate for the different objects for which they might be wanted.

The Board beg leave, also, respectfully to state their opinion of the necessity for the services of a competent civil engineer for the navy, to furnish plans and estimates for all hydraulic and civil objects, and to have a general superintendence of their construction, under the direction of the Department. The particular character of these works requires the supervision of such a person, not less from motives of economy in the ordinary expenditures, than from the more important consideration of their proper arrangement, solidity of construction, and durability.

All which is respectfully submitted.

JNO. RODGERS.

To the Hon. M. Dickerson,
Secretary of the Navy.

A.

Upon the supposition that the naval force to be so prepared that it might be equipped for sea at short notice, shall consist of 15 ships of the line, 25 frigates, 25 sloops of war, 25 steamers, 25 smaller vessels, and that the frames and other durable materials shall be provided for 10 ships of the line and 10 frigates, as a reserve, the following statement shows the total number and character of the armaments which the whole force will require, the number which can be furnished from the ordnance on hand, and the number which will be still required:

	Ships of line.	Frigates.	Sloops.	Steamers.	S. V.
Total No. required,	25	35	25	25	25
On hand, for	11	22	16	00	12
Deficient,	14	13	9	25	13

Besides the bomb-cannon, guns, and carronades, for these armaments, there would be required shot, shells, small arms, pistols, and cutlasses, and a supply of powder sufficient for equipping a strong force, in case of a sudden emergency.

The cost of these objects may be estimated as follows:

Armaments for 14 ships of the line, at $45,000 each,		$630,000
13 frigates,	16,500	214,500
9 sloops,	6,000	54,000
25 steamers,	3,000	75,000
13 smaller vessels,	1,500	19,500
For guns, bomb-cannon, and carronades,		$993,000
100 shot to each gun, and 200 shells to each bomb-cannon, and shells for guns,		427,000
8,000 muskets,		100,000
3,500 pairs of pistols,		43,750
8,000 cutlasses,		34,000
9,000 barrels of powder,		202,500
		$1,800,250

A LATER REPORT FROM THE SECRETARY OF THE NAVY.

Navy Department,
April 27, 1836.

Sir: In answer to the resolution of the Senate of the 19th instant, requiring of this Department "to inform the Senate what is the maximum amount which can be beneficially expended, *annually*, towards completing the naval defences of the country—embracing, 1st, ordnance and ordnance stores; 2d, gradual increase of the navy, and collection of materials; 3d, repairs; 4th, navy yards and docks, and other incidental heads of expenditure—provided the appropriations for the expenditures be made at once, for a series of years, to be drawn from the Treasury annually, as needed," I have the honor to state that the subject was referred to the Board of Navy Commissioners, whose report is herewith submitted.

In this report they present estimates of much larger amount than those contained in their report of the 2d of March last, as the *maximum* which, in their opinion, might be beneficially expended, annually, towards completing the naval defences of the country, "without any limit in reference to the means."

It will be perceived that these estimates are based upon the supposition that our naval preparations shall have no limit, except that imposed by a due regard to the public revenues, and by the probable condition of other maritime nations; and that the fixed, immovable fortifications of our country are to be kept within prescribed limits; and also upon the supposition that we shall erect six dry docks in addition to those already completed, to wit: one at Portsmouth, one at Boston, two at New York, one at Norfolk, and one at Pensacola.

Should it not be deemed expedient by Congress to increase our naval preparations to the extent contemplated by the Commissioners; or should the estimates for immovable fortifications, now submitted, be adopted; or should it not be deemed expedient to provide, at this time, for the construction of six dry docks, a corresponding reduction in the amount of the estimates of the Commissioners should be made.

It must also be observed, that the estimates of expenditures are made without regard to the effect they may have upon the commercial shipping interest of the country.

An expenditure of more than a million and a half of dollars annually, for the "gradual increase of the navy, and collection of materials," would, in my opinion, create such a demand for labor and materials as essentially to increase the expense of ship-building, which could not fail to give foreign navigating interests an advantage over our own.

I thought it due to myself, in presenting the report of the Commissioners of the Navy Board, to make the foregoing observations.

I have the honor to be, very respectfully, your obedient servant,

MAHLON DICKERSON.

Hon. M. Van Buren,
President of the Senate.

Navy Commissioners' Office,
April 21, 1836.

Sir: The Commissioners of the Navy have had the honor of receiving from your hands the resolution of the Senate of the 19th instant, with directions, given personally, and by endorsement on the resolution, to report thereon.

The resolution requires that the Senate be informed "what is the maximum amount which can be beneficially expended, annually, towards completing the naval defences of the country—embracing, first, ordnance and ordnance stores; second, gradual increase of the navy and collection of materials; third, repairs; fourth, navy yards and docks, and other incidental heads of expenditure—provided the appropriations for the expenditure be made at once, for a series of years, to be drawn from the Treasury annually, as needed."

In the report which the Commissioners had the honor of presenting to you on the 2d ultimo, it was proposed "that the force to be prepared ready for use when circumstances may require it, shall consist of fifteen ships of the line, twenty-five frigates, twenty-five sloops of war, twenty-five steamers, and twenty-five smaller vessels; and that the frames and other timber, the copper, ordnance, tanks, and chain cables, shall also be prepared for ten ships of the line and ten frigates." It was further observed that "the force to be ready for use would employ thirty thousand seamen—the number assumed as that for which vessels ought to be prepared, for the commencement of a state of hostilities." In preparing that report, the Board, unapprized of your views or those of the Government upon the subject, looked to the then fiscal condition of the country, as exhibited in the Treasury reports, and thence drew the inferences expressed as to the sums which might annually and conveniently be applied towards completing our naval defences, confining their views to the supposed convenience of the Treasury, and indicating rather the minimum of the amount of money necessary to place the naval defences of the United States upon the footing of strength and respectability due to the security and welfare of the Union.

But the resolution of the Senate calls for the maximum amount which can be beneficially expended, annually, towards completing the naval defences of the country, without any limit in reference to the means. The question thus presented appears to be unfettered with any restriction, or any consideration, other than that which refers exclusively to the completion of the naval defences of the country.

Had the resolution given any intimation as to the amount of the naval force, or, in other words, as to the nature and extent of the force deemed necessary for the defence of the country, a satisfactory reply might more easily and with more certainty come within the professional ability of the Board. Uninformed upon this material point as to the views of the honorable body by whom the resolution was passed, the Board must of necessity express their own, to show the basis of their calculations upon the subject.

If it be the settled policy of our Government to consider the navy as "our first and best fortification;" if it be determined that our naval preparations shall have no limit except that imposed by a due regard to public revenues, and by the probable condition of other maritime nations; if the fixed, immovable fortifications of our country are to be kept within prescribed limits, that the naval defences, deemed more important because more efficient, may be enlarged to an extent necessary to defend our coast on the ocean, and guard it against invasion, the Commissioners would, with great deference, though with entire confidence in its correctness, express the opinion that an increase of naval preparations beyond that proposed in their letter of the 2d ultimo may become a measure of wise precaution in reference to the high interests thus committed to the protection of the navy, and the solemn duties and responsibilities imposed upon it. Our means of naval defence and annoyance should surely be such as, when exerted against those possessed by other maritime nations with whom we may come in conflict, would fairly promise, if not secure, success.

Leaving, however, the nature and extent of our naval preparations to be decided by those with whom the decision rests, the Commissioners will suppose that fifteen ships of the line, twenty-five frigates, twenty-five sloops of war, twenty-five steamers, and twenty-five smaller vessels, with the frames and other timber, the copper, ordnance, tanks, and chain cables, for ten ships of the line and ten frigates, as a reserve force, may be considered as the amount of force which it may be the pleasure of Congress to provide; and upon this hypothesis they base the reply to the resolution which they have now the honor to submit, observing here that, if a greater force be adjudged expedient, the means necessary to provide it must be proportionately increased.

In the opinion of the Board, every ship belonging to the navy should be kept in such a state of preparation that her full equipment and readiness for actual service, on any emergency, may be secured by the time a crew can be collected for her. The hulls of those not in service at sea should be frequently examined and kept in good condition; their armament, masts, spars, boats, tanks, chain cables, and imperishable stores of every description, should be procured, and carefully preserved in a state of readiness for immediate use; and there should be always kept on hand a full supply of seasoned timber, of all kinds used in the construction of ships of war, and a full supply of spare ready-made masts and spars, of sizes and dimensions adapted to each of the various classes of our ships.

Our navy yards should possess all the conveniences and facilities of building and repairing ships of every class, with the greatest despatch and economy. They should possess ample means of seasoning and preserving timber, and of keeping in a state of perfect security and preservation, ready for immediate use, all the stores and munitions, of every description, essential in the equipment and armament of our ships. To place the yards in this condition, preparations involving large expenditures are indispensable. Dry docks, timber docks, seasoning sheds, building slips, launching ways, ship-houses, store-houses, smitheries, workshops, wharves, &c., must be possessed to an extent proportionate to the number and size of our ships, and the quantity of materials to be kept on hand. We cannot, in a state of peace, secure the services of our ships as promptly as would be desirable, without these conveniences. In war, when time is all-important, when celerity of movement and vigorous action are alike in constant requisition, the want of them would paralyze every exertion, and be felt as a heavy national calamity. Suppose a squadron coming into port after a long cruise, or after a serious engagement at sea, or after encountering usual storms, the ships composing it would require repairs, some of them probably very extensive; many might require docking, and they arrive at a port where there is but one dock; while one is in dock, the residue must wait and take their turn to be docked, and months, at least, may elapse before the squadron (possibly wanted for immediate service) can be repaired and put in a condition for further service. Golden opportunities of sustaining the honor of our flag and advancing the highest interests of our country may thus be lost.

But, without supposing a case, the present actual condition of our ships at New York may be cited as affording ample illustration of the value of these facilities and conveniences, and particularly in reference to docks. If we possessed them at that yard, the ships now there, particularly those of the line, which require extensive repairs, might be put in a condition for service in a much shorter space of time, more effectually, at far less expense, and without incurring any of the risks attending the process of heaving down.

With these considerations in view, the Commissioners would observe that, in their opinion, the sum of one million and eight hundred thousand dollars might be "beneficially expended" in procuring ordnance and ordnance stores; that the maxmium amount which could be expended in the first year, from the date of an appropriation, would probably not exceed $300,000, but in the second and subsequent years at least $500,000 might be beneficially expended in providing cannon, carronades, bombs, shot, bomb-shells, muskets, pistols, cutlasses, boarding-pikes, boarding-axes, powder or the materials for making it, and all the other various articles necessary to the armament of the ships. That for "the increase of the navy and collection of materials," the sum of sixteen millions of dollars might be beneficially expended; that during the first year the expenditure for timber could not be very considerable. It might be contracted for in the course of a few months, but the trees should not be felled before the month of October next, and the contractors would not probably commence delivering the timber at the yards before April or May, 1837; and possibly such interruptions from Indian hostilities might arise in getting out the live oak as to postpone the operations of those engaged in that business for a still greater length of time. But the imperishable articles of coppor, iron, and lead, might be procured probably during the first year; and it may be observed, as an inducement to procure them now, that the prices now asked for such articles are as low as they have ever been known to be. This observation is grounded upon the latest contracts made for copper and iron.

Under all circumstances, the Commissioners believe that the sum of one million and a half of dollars might be judiciously expended "for the gradual increase of the navy, and collection of materials," during the first year after an appropriation; and that in the six subsequent years the residue of the $16,000,000 (viz: $14,500,000) might be expended; making, in these years, an average expenditure of about $2,417,000.

The probable inability to expend any considerable sum during the first year, for timber, is a circumstance not to be regretted, because we have not the means of seasoning and preserving it. The preparation of such means, which consist of timber docks and seasoning sheds, should precede the reception of timber. They may be prepared by the time the timber will be delivered; and when they shall be ready for the reception of the timber, the timber should be procured as early as may be practicable, in order to give it the longest time possible for seasoning, before it shall be actually used in the construction or repair of ships.

As to "repairs," the operations under this head would necessarily be protracted and limited, until we can have a sufficient number of dry docks, and other conveniences for repairing ships of war. We have now only two dry docks: one at Norfolk, the other at Boston; so that only one vessel can be taken into dock at a time at either of those places; and at other yards where we have ships of the line, it would probably be advisable rather to wait the construction of docks, before commencing any repairs which their bottoms may require. The Commissioners, however, believe that, under this head, nine hundred thousand to a million of dollars may be annually and judiciously expended.

Upon the subject of "navy yards, docks, and other incidental heads of expenditure," the Board would respectfully observe that the plans for improving the yards adopted under the act of Congress of 1827, and approved by the President of the United States, contemplate expenditures to a large amount, the means of estimating which are not in the possession of the Board. It is certain, however, that it will require a series of years to complete the improvements, and it is equally certain that the expense will unavoidably be very large. But to confine our views at present to a portion of those improvements—say a dry dock at Portsmouth, an additional dry dock at Boston, two dry docks at New York, an additional dry dock at Norfolk, and a dry dock at Pensacola, with the number of timber docks, timber sheds, ship-houses, slips, wharves, storehouses, &c., required for these and other yards, and adapted to the proposed force, and essential to keep it in a state of desirable preparation for service—one million and a half of dollars may be considered as the maximum amount which could be "beneficially expended" during the first year; but for each succeeding year two millions and a half may be expended, and very beneficially, until the necessary improvements shall be completed.

These views present the following results, showing the maximum amounts which, in the opinion of the Navy Commissioners, might be beneficially expended annually, for different series of years:

1st. "Ordnance and ordnance stores," during the first year $300,000, and during the second year $500,000; the third year $500,000, and the fourth year $500,000.

2d. "Gradual increase of the navy and collection of materials," during the first year $1,500,000, and each of the second, third, fourth, fifth, sixth, and seventh years, about $2,417,000.

3d. "Repairs," about $1,000,000, say one million of dollars annually.

4th. Navy yards and docks, and other incidental heads of expenditure, $1,500,000 during the first year, and two millions and a half of dollars during the second year, and the like sum annually, till the necessary improvements be completed.

If an appropriation adopting these views were made, and the number and description of vessels recommended in our letter of the 2d ultimo were kept in commission, without diminution or increase, then the annual naval expenditure, exclusive of the expenditure under "gradual improvement," but including four hundred thousand dollars annually for the corps of marines, would be—

For the first year - - -	$8,550,000
For the second, third, and fourth years, each	10,667,000
For the fifth, sixth, and seventh years, each	10,167,000
For subsequent years, each - -	7,750,000

until the improvements in the navy yards should be completed to the extent desirable and necessary.

All which is respectfully submitted.

JNO. RODGERS.

Hon. M. Dickerson,
Secretary of the Navy.

LETTER FROM THE WAR DEPARTMENT,

In answer to a resolution of the Senate, calling for information concerning the Indian tribes, &c.

War Department, *March* 8, 1836.

Sir: In conformity with a resolution of the Senate of the 2d ultimo, I have the honor, herewith, to transmit a tabular statement, giving the information called for respecting the number and situation of the Indians upon the frontiers of the United States, so far as this Department can furnish it, and a report from Major General Macomb, containing a plan for an increase of the numerical strength of the army, accompanied by tables, showing the positions now occupied by it, the number to which it is proposed to increase it, its distribution, should such an increase take place, and the additional expense which will attend the measure.

It is, of course, impracticable to furnish any thing like accurate information concerning the number of the Indians. All that can be expected is such an approximation towards the truth as our means of communication with them will permit. The population of those tribes which are in contact with our settlements, and more particularly of those to whom annuities are paid, may be estimated with considerable probability. But all computations of this nature, respecting the remote and wandering tribes, must be received with much doubt.

It appears, as a general result, from this statement, that about 31,000 Indians have removed from the eastern to the western side of the Mississippi river, and that about 72,000 yet remain to be removed. With a majority of the latter, treaty stipulations already exist for their removal, or for such arrangements as will necessarily lead to it. And there is little doubt but that nearly all of them will, within a few years, quit their present residences, and withdraw to the country west of Missouri and Arkansas. I would remark here, that this statement shows an increase of about 10,000 over the tables heretofore prepared at this Department upon this subject. This increase has been occasioned by a census recently taken of the Eastern Cherokees, and which shows the population of those Indians to be about 18,000. It is estimated that the indigenous tribes of the region between the Mississippi and the Rocky Mountains amount to about 158,000. These, added to the emigrants already removed, will make upwards of 181,000; and when all the tribes are removed, there will be an aggregate Indian population in that country of more than 250,000. This, it will be observed, is independent of the Indians upon the peninsula of Michigan, upon the shores of Lake Huron and Lake Superior, upon the northern coast of Lake Michigan, and of the various bands of the great Chippewa family, occupying the regions south of Lake Superior, and upon the heads of the Mississippi. Much of this country is of such a character that we cannot look forward to any reasonable time within which all these Indians will be required to emigrate. Those, however, in the peninsula of Michigan, will, no doubt, remove within a few years, and will still further increase the aggregate of the Indian population in the West.

It is difficult, from the mode of life and consequent dispersed condition of the Indians, to state their positions accurately, with relation to the inland frontier of the United States, extending from Arkansas to Maine. Beginning, however, at Red river, it will be found that almost all this force is in contact, or may be in communication with the Western and Northwestern frontier of the United States. The Indians are very sparsely scattered along the shore of Lake Superior, and towards the sources of the Mississipi. The Chippewas and Sioux, extensive families, and separated into many bands, divide those regions among them. These Indians are brought into contact upon the Mississippi, about the falls of St. Anthony. And as feuds have existed between them for ages, they frequently send war parties against each other, and, by this means, outrages have been committed upon our citizens. This state of things renders Fort Snelling, at the mouth of the St. Peter's, an important point.

It will be seen, by the tabular statement, that the Indians in the State of New York are supposed to be about 4,000. But this Department has not the means of ascertaining, with any precision, the number upon the Northeastern frontier, in the State of Maine. They have generally been computed in the statistical tables at about 1,000.

The statements herewith furnished embrace all the tribes who now occupy, or who it is supposed will occupy, the country west of the Mississippi, and extending to the Rocky Mountains. It may be safely estimated that this amount of Indian population can furnish 15,000 warriors, who may be considered so nearly in contact with our settlements as to render them at all times dangerous neighbors, unless kept in check by a proper disposition of our military force; and it is probable that double that number could be supplied, if any circumstances should occasion a general war in that region, in which the Indians could be brought to unite. Such a result, however, is altogether improbable, as many of these tribes are hereditary enemies, and are in a constant state of hostilities with one another. And, from the dispersed condition of the Indians, as well as from their habits and the nature of their institutions, a general coalition is not to be anticipated. Nor, indeed, if it existed, could such a force be collected and brought to act together. Still, however, it is obvious that even now there is upon our Western frontier a large force, which has been augmented, and is yet augmenting, by the action of the Government, and upon whose peaceable or friendly disposition no reliance can be placed. And the scenes which are now going on in Florida, and those which have frequently taken place elsewhere, show that the Indians are totally ignorant of their own relative strength and that of the United States, or that, in a moment of impulse, they are totally indifferent to it. A just regard to the tranquillity of an important section of the Union requires that measures should be permanently adopted for preventing a renewal of those predatory incursions which have occasioned so much loss of life and property.

In further obedience to the resolution of the Senate, I have the honor to report that I consider the "present military force of the United States" insufficient "to garrison the fortifications of the seaboard, and at the same time give protection to the inhabitants residing in the States and Territories bordering on the Indian frontier."

The aggregate number of the non-commissioned officers, musicians, and privates of the army, according to the existing laws, is 6,301. This is exclusive of the men engaged in the ordnance service, who are principally artificers, and are employed in duties relating to the custody, preservation, repairs, &c., of the public arms. Owing, however, to sickness, to occasional absence, and to the time lost in recruiting and in marching to join their respective corps, as well as to other causes, the actual disposable strength does not average more than 5,260. This is now organized into one regiment of dragoons, four regiments of artillery, and seven regiments of infantry, occupying fifty-three stations, extending along the whole frontier of the United States, inland and Atlantic. If equally divided, the force actually in service would allow to each post a little less than one hundred effective men.

Extensive and permanent fortifications have been constructed upon the seaboard, and it seems to be generally conceded that our most important points of communication with the ocean should be gradually rendered secure by similar works against the advance of an enemy. These forts, as they are finished, should be occupied by troops, not only to prevent such insults and injuries as large commercial places are exposed to, whose approaches are not sufficiently guarded, but also to keep the works in a proper state of preservation. These duties, it is believed, will require the artillery force proposed to be maintained. Experience has shown that we are perpetually liable to occurrences which demand the concentration and movement of the troops. Whenever these happen, the positions occupied must remain defenceless, unless a greater force is raised. This is now the state of things along almost all our Atlantic border.

With respect to the inland frontier, circumstances of a still more imperative character require an augmentation of the army. Events have shown that our force in that quarter is not sufficient to keep the Indians in check. Disturbances are continually occurring at comparatively short intervals, some of which terminate merely by alarming and agitating the country, while others lead to hostilities, more or less extensive. On these occasions, the regular troops are collected from great distances, and a militia force is usually called out. Heavy expenditures are the necessary consequences, besides the loss of property and derangement of business in the section of country where these troubles exist. Instead of having a force at all times imbodied, sufficient to overawe the Indians, or, if they commence hostilities, immediately to subdue them, much time is lost in the necessary arrangements, while the spirit of disaffection is spreading, and the hostile force becomes thus greatly increased. Within the last nine years we have had four difficulties of this nature: one with the Winnebagoes, two with the Sacs and Foxes, and one with the Florida Indians; which, altogether, have occasioned great loss of property, great derangement of business, a heavy expenditure of money, and much inconvenience in those portions of country affected by these troubles, and which furnished the militia whose services were required to aid the regular troops in their operations. An augmentation of the army to a reasonable extent, if it did not prevent these occurrences altogether, would certainly render them less frequent, as well as less injurious and extensive. And this policy is not less humane than useful. It is far better, by the display of force, to render its actual employment unnecessary, than it is to be compelled to resort to it, with all the usual accompaniments of an Indian campaign.

The army is so constituted that a very considerable addition may be made to its rank and file, with but little increase in the expense of the officers. It is proposed to augment its numerical strength to 9,955; to leave the regiment of dragoons as it now is, and so to distribute the additional force as to make five regiments instead of four of artillery, and nine regiments instead of seven of infantry. A regiment of artillery now contains 497 non-commissioned officers, musicians, and privates, divided into nine companies; and a regiment of infantry, 514 non commissioned officers, musicians, and privates, divided into ten companies. The plan submitted proposes to add 2,032 men to the artillery, and 1,622 to the infantry, and to divide the regiments of both arms into eight companies each, giving to each regiment of the former 804 non-commissioned officers, musicians, and privates, and to each regiment of the latter 580 non-commissioned officers, musicians, and privates. This organization into companies will have the advantage of uniformity, and it is believed will be found more advantageous to the service than the existing one. The whole artillery force now authorized by law is 1,988, and that of the infantry 3,598, which, with the addition proposed, will make the whole artillery force 4,020, and the whole infantry force 5,220; thus raising the legal establishment of the army to 9,955. These numbers, it will be observed, are exclusive of the commissioned officers. By authorizing the President to require one of these regiments to do duty as riflemen, and one as light infantry, our military establishment would be rendered more complete, and in some situations more efficient; and this might be done without any addition to the expense of maintaining the troops.

The proposed augmentation of the non-commissioned officers, privates, and musicians, may be so distributed as not to require any change in the number of the regiments, or in the grades of the officers, by simply adding a given number to each company. The only advantage, however, of this plan over the proposed one is, that it may be carried into effect at a little less expense. This consideration is always important, and, when not counterbalanced by other circumstances, should be decisive. But I think that in this case the difference in the expenditure is not sufficient to outweigh the other advantages which are presented by the *projet* herewith submitted.

It is proposed to reduce the number of second lieutenants from 142 to 112, making a diminution in that grade of thirty; and at the same time to add twenty-five other officers, making an actual reduction of five in the existing establishment. But as those who are added will be of higher grades, this arrangement will occasion an increase in the annual expense of $8 573, as is shown by one of the accompanying tables. But it will give more efficiency by the increased rank, authority, and experience, of the officers, while at the same time it will probably be found that the number of men proposed to be added to each regiment will be sufficiently great for the attention of all the officers. It will also prevent, in some degree, that dispersion of the regiments, which is very injurious to our service, as it materially impairs the personal superintendence of the field officers. These advantages will be greater as the sphere of command is removed to the more remote frontiers, where circumstances necessarily require higher responsibility and more experience.

All the information necessary to a full knowledge of the increased expense which will attend the addition herein proposed to the numerical strength of the army, will be found in the accompanying tables.

I beg leave to remark that the plan of organization above proposed proceeds upon the assumption that the whole force of the non-commissioned officers, musicians, and privates of the army will be about ten thousand. That is the smallest number which, under present circumstances, the public interests will, in my judgment, allow. Should Congress, however, think it proper to add to that number, then I would recommend that the infantry companies be placed upon the same establishment as the companies of artillery. This would render the organization uniform in all respects, and, from the casualties of the service, would not probably give more than two thirds of the number for active field operations.

Very respectfully, your most obedient servant.

LEW. CASS.

Hon. M. Van Buren, *President of the Senate.*

CENSUS OF INDIAN TRIBES REPORTED IN 1836.

Number of Indians emigrated.

Winnebagoes,	700
Chippewas, Ottawas, and Pottawatamies,	1,200
Pottawatamies from Indiana,	441
Choctaws,	15,000
Quapaws,	300
Creeks,	3,600
Appalachicolas,	265
Cherokees,	6,000
Kickapoos,	588
Delawares,	826
Shawanees,	1,250
Ottawas,	200
Weas,	222
Piankeshaws,	162
Peorias and Kaskaskias,	132
Senecas,	251
Senecas and Shawanees,	211
Total,	31,348

Number of Indians to remove.

New York Indians,	4,176
Ottawas of Ohio,	230
Wyandots,	575
Pottawatamies of Indiana,	3,000
Miamies,	1,100
Chippewas, Ottawas, and Pottawatamies,	6,400
Winnebagoes,	4,500
Menomonies,	4,200
Cherokees,	*18,000
Creeks,	21,000
Chickasaws,	5,600
Seminoles,	3,000
Appalachicolas,	400
Total,	72,181

*The number of Cherokees has been stated, in other communications made the present session, at 8,000; the above number is taken from a census recently received.

Number of Indians south of Lake Superior.

Peninsula of Michigan,	5,674
Northwestern coast of Lake Superior,	274
Northern curve of Green bay,	210
Sources of the Ouisconsin and Menomonie rivers,	342
Northwest coast of Lake Huron,	302
St. Mary's river,	436
Southern shore of Lake Superior,	1,000
Total,	8,238

Number of Indians of the indigenous tribes, within striking distance of the frontier.

Sioux,	27,500
Ioways,	1,200
Sacs,	4,800
Foxes,	1,600
Sacs of the Missouri,	500
Osages,	5,120
Kanzas,	1,471
Omahas,	1,400
Otoes and Missourias,	1,600
Pawnees,	10,000
Camanches,	7,000
Kioways,	1,400
Mandans,	15,000
Quapaws,	450
Minatares,	15,000

Assinaboins,	8,000
Crees,	3,000
Gros Ventres,	3,000
Crows,	4,500
Caddoes,	2,000
Poncas,,	800
Arickaras,	3,000
Cheyennes,	2,000
Blackfeet,	30,000
Total,	150,341

The recapitulation shows the number of Indians that will be between the frontier and the Rocky Mountains after the emigration is completed.

RECAPITULATION.

Number of Indians emigrated,	31,348
Number of Indians to remove,	72,181
Number of Indians of the indigenous tribes,	150,341
Total,	253,870

Probable distance on the map from Red river, at Fort Towson, to Fort Snelling.

From Fort Towson to Fort Gibson,	200
From Fort Gibson to Fort Leavenworth,	300
From Fort Leavenworth to Fort Snelling,	400
Total,	900

Probable distance from Fort Towson to Fort Crawford.

From Fort Towson to Fort Leavenworth,	500
From Fort Leavenworth to Fort Des Moines,	200
From Fort Des Moines to Fort Crawford,	130
Total,	830

HEADQUARTERS OF THE ARMY,
Washington, March 7, 1836.

The undersigned, in conformity with the instructions of the Secretary of War, to submit a project for augmenting the military establishment to ten thousand men, without increasing the number of officers, has, after fully considering the subject, come to the following conclusion:

The present establishment consists of 4 regiments of artillery, of 9 companies each, each company of 55 men, making an aggregate in the 4 regiments, including the non-commissioned staff, of	1,988
7 regiments of infantry, of 10 companies each, each company of 51 men, making an aggregate, in the 7 regiments, including the non-commissioned staff, of	3,598
1 regiment of dragoons, aggregate	715
Aggregate of the army,	6,301

The organization of the regiments of artillery into nine companies is not convenient, nor do the four regiments furnish a sufficient number of companies for the seaboard. It is therefore proposed to add one regiment of artillery, and make each company to consist of 100 men, instead of 55, as now organized. This organization will give a force of 4,020 non-commissioned officers, musicians, artificers, and privates, in the artillery, as will be seen by the accompanying paper, marked A.

The organization of the infantry might also be improved, and the regiments rendered much more useful and efficient, by making each regiment to consist of eight companies instead of ten, and by adding two regiments, to be armed as light infantry or riflemen, to consist also of eight companies each, which can be done by simply adding two companies to the infantry, there being at present seven regiments of infantry on the establishment, consisting of ten companies each, which give an aggregate of seventy companies. By the addition of two companies, the required number of companies, to wit, seventy-two, will be obtained, to constitute nine regiments of eight companies each, and each company to consist of 72 non-commissioned officers and privates, making the whole of the infantry force 5,220 men, as will be seen by paper marked B.

The formation of regiments into eight companies is conformable to our established system of tactics, and is every way much more convenient for manœuvring than either a formation of nine or ten companies, as is now the case with our artillery and infantry. A uniform organization into eight, both for artillery and infantry, is preferable, and more systematic than the irregular formations now existing in the regiments of those arms in our service, as shown above.

If this organization should be adopted, the military establishment would then consist of—

5 regiments of artillery, of 8 companies each, or 40 companies 100 strong, giving a force, including 20 non-commissioned staff, of	4,020
9 regiments of infantry, 8 companies each, each company 72 men, making 72 companies, including 36 non-commissioned staff, giving a force of	5,220
1 regiment of dragoons	715
Making an aggregate of	9,955

Although the number of regiments is increased by the proposed plan for augmenting the army to 9,955, the number of officers is rather diminished than increased, as will appear by the following statement:

There are in the existing four regiments of artillery,

Colonels,	4	
Lieutenant colonels,	4	
Majors,	4	
Captains,	36	
First lieutenants,	72	
Second lieutenants,	72	
		192

There are in the present seven regiments of infantry,

Colonels,	7	
Lieutenant colonels,	7	
Majors,	7	
Captains,	70	
First lieutenants,	70	
Second lieutenants,	70	
		231
Aggregate officers in artillery and infantry,		423

In the proposed five regiments of artillery there will be,

Colonels,	5	
Lieutenant colonels,	5	
Majors,	5	
Captains,	40	
First lieutenants,	80	
Second lieutenants,	40	
		175

In the proposed nine regiments of infantry there will be,

Colonels,	9	
Lieutenant colonels,	9	
Majors,	9	
Captains,	72	
First lieutenants,	72	
Second lieutenants,	72	
		243

Aggregate officers of artillery and infantry, as proposed, - - - - - -	418
Aggregate in the present establishment, -	423
Difference, - - - - -	5

As the number of men in all the companies of infantry and artillery is considerably increased, an additional number of non-commissioned officers becomes indispensable. In lieu of the non-commissioned staff officer, heretofore denominated sergeant major of a regiment, it is proposed to substitute that of sub-adjutant, to have the rank, pay, and emoluments, of a cadet, with a suitable allowance of clothing, not exceeding the cost of that now allowed a sergeant major. To this office the sergeants may look as the reward of merit, and as the stepping-stone to promotion of lieutenant. It will give great encouragement to the non-commissioned officers of companies, as well as the rank and file, when they see before them a prospect of promotion to the rank of commissioned officer, through the non-commissioned staff. For the same purpose, and with a view to facilitate and distribute more properly the company duties, it is proposed, in the organization, that the first sergeant of each company be styled sergeant major, with the pay and allowances as now provided, which are somewhat greater than those allowed to other sergeants. His duties to the company are analogous to those of an adjutant of a regiment, he having to attend, under the direction of the captain, to all the company details, as it regards the duties of the non-commissioned officers and privates, and the making out of reports, &c. To each company there is also provided a quartermaster sergeant, an indispensable non-commissioned officer, whose duty it is, under the direction of the captain, to take charge of the camp equipage, spare arms, extra clothing, and other property belonging to the company, and keep the accounts of them, as well as to attend to the distribution of the rations, straw, wood, &c., and on the march to take charge of the company baggage; his pay to be the same as that of the other sergeants. In the French army these two non-commissioned officers are allowed to every company, under the title of sergeant major and fourrier. There is no service in which these officers are more wanted than in ours, because our troops are frequently separated from their baggage, in marching through the wilderness, where it is impossible to transport it, and, consequently, obliged to be sent round to meet the troops, either by land or by water, when it is much exposed to be lost or damaged; and thus the troops arriving at the points where they may expect to meet their baggage, without these officers to take charge of it, will be often disappointed, and suffer for the want of essential comforts.

Although, according to the instructions of the Secretary of War, the organization here proposed is limited to ten thousand men, and which may be considered as a minimum force for the purposes for which the army is intended, it is respectfully recommended that, in order to have the amount of force always effective, eighteen men be added to each company of infantry and artillery, which would increase the nominal force to something below twelve thousand men; but owing to the fact of the men being enlisted for only three years, the great distance the recruits have generally to march, and the time consumed in joining the regiments on the frontiers, and the necessity of keeping within the authorized numbers, it hardly can be expected that ten thousand men would ever be exceeded, should Congress authorize twelve thousand men, as here recommended.

Upon a review of the fortifications which have been erected, and which are now in progress for the defence of the seacoast, it is found that there is a considerable deficiency of artillerists to serve the guns, and to guard and preserve the forts, as well as the valuable property in them. It is therefore proposed, as above recommended, to augment the number of companies in the artillery from 36, as now authorized, to 40. These companies of artillery it is proposed to distribute along the seaboard, from Eastport, in Maine, to the delta of the Mississippi; and, in order to show the proposed distribution, two tables are here annexed, marked C and D; that marked C shows how the existing thirty-six companies may be most advantageously disposed of; and that marked D, how it is proposed to distribute the forty companies. Also, a list of forts on the seacoast, prepared by the adjutant general, marked E.

The infantry force, with that of the regiment of dragoons, is best adapted to the defence of the frontiers, including the Gulf of Mexico. The present amount of infantry is not sufficient, in the opinion of the undersigned, to afford adequate protection to the inhabitants residing in the States and Territories bordering on our Indian and other frontiers, and guarding the arsenals in the Southern and Western States.

If the project above recommended, of organizing the infantry, as exhibited in paper marked B, be adopted, making the infantry consist of nine regiments, instead of seven, it is proposed that they be distributed on the frontiers and on the Gulf of Mexico, as shown in paper marked F, which organization and distribution, it is believed, will be the most effectual for maintaining the discipline of the army, and affording protection to our extensive frontiers.

Paper marked G contains a summary of the expense of the present and proposed regiments of artillery and infantry.

Respectfully submitted.

ALEX. MACOMB,
Major General, commanding in chief.

Hon. Lewis Cass,
Secretary of War.

REPORT UPON THE PATENT LAWS.

In Senate, April 28, 1836.

Mr. Ruggles, of Maine, made the following report:

The select committee appointed to take into consideration the state and condition of the Patent Office, and the laws relating to the issuing of patents for new and useful inventions and discoveries, submit the following report:

The promotion of the arts and the improvement of manufactures are the objects aimed at in granting patents for inventions. All civilized nations have provided, in some form, for the encouragement of inventive genius. England, from whom we derived originally most of our notions of national polity, and who has hitherto been considered the "queen of arts," is in no small degree indebted for the distinction to the liberality with which she has always rewarded genius and science for their inventions and discoveries. Individual munificence and the patronage of wealthy associations have there, as in France and Germany, done much to supply whatever was wanting in the liberality of the Government. But such patronage is necessarily partial in its operation. It is limited to particular objects, if not to particular individuals. There appears to be no better way of measuring out appropriate rewards for useful inventions than by a general law, to secure to all descriptions of persons, without discrimination, the exclusive use and sale, for a given period, of the thing invented. In this way they will generally derive a just and appropriate encouragement, proportioned to the value of their respective inventions. It is not at this day to be doubted that the evil of the temporary monopoly is greatly overbalanced by the good the community ultimately derives from its toleration.

The granting of exclusive privileges was in England originally assumed as a prerogative of the Crown, from which it derived a revenue. It was at first limited to the introduction of manufactures from other countries. Afterwards like privileges were granted for new inventions made within the realm. Like all other legal prerogatives, it was subject to abuse, and Parliament found it necessary to limit and restrain it. This was done by the famous statute of monopolies, passed in the reign of James I, which defined the King's prerogative in respect to the description of grants which might legally be made, and among them were patents for inventions and new manufactures. The very brief reservation of right in the Crown contained in that statute, and the judicial decisions in cases arising under the grants of privileges made pursuant to it, constituted the whole of the English law on the subject up to 1835, when a law was passed by Parliament, giving the right to file a disclaimer in certain cases, and containing some other less material provisions.

It is from those judicial decisions that we have derived most of the principles on which our laws on the subject are founded, and which have entered into and influenced the judicial expositions given to them. But the decisions of our courts have been characterized by a more enlightened and liberal application of equitable principles to cases of this description, in a just endeavor to sustain patents for meritorious inventions, instead of seeking to find, in the technicalities of law, a pretext for setting them aside.

Prior to the adoption of the federal constitution, the States, within their narrow limits, could give very little encouragement to inventors by grants of exclusive privileges; and up to that time the arts had made very little progress on this side of the Atlantic. By the constitution of the United States, that power was wisely vested in Congress.

The first act of Congress on the subject was passed in 1790. It authorized the Secretary of State, Secretary of War, and the Attorney General, or any two of them, on application, to grant patents for such new inventions and discoveries as they should deem "sufficiently useful and important." Under that act, the board so constituted exercised the power of refusing patents for want of novelty in the invention or of sufficient utility and importance. This act extended the same privilege to aliens as to citizens. In 1793, it was repealed, and another act passed, authorizing patents to citizens of the United States only, to be granted by the Secretary of State, subject to the revision of the Attorney General. In 1800, the privilege to take out patents was extended to aliens who had resided two years in the country, and made oath of their intention of becoming citizens of the United States.

The act of 1793, which is still in force, gives, according to the practical construction it has received, no power to the Secretary to refuse a patent for want of either novelty or usefulness. The only inquiry is, whether the terms and forms prescribed are complied with. The granting of patents, therefore, is but a ministerial duty. Every one who makes application is entitled to receive a patent by paying the duty required, and making his application and specification in conformity with the law. The necessary consequence is, that patents have, under the act of 1793, been daily granted, without regard to the question of novelty, or even utility, in the ordinary sense; for it has been settled that the term *useful,* as used in this statute, is only in contradistinction to hurtful, injurious, or pernicious. This construction (that no right is conferred to refuse a patent) has been given to the law by the Department charged with the duty of granting patents, not so much, probably, from any necessary and unavoidable import of the terms of it, as from a disinclination to exercise a power of so much importance in cases where it is not clearly and distinctly granted. And it may be reasonably doubted whether it was the intention of Congress to confer such a power on the Secretary of State alone, since no provision is made for an appeal or other remedy for an incorrect decision adverse to the applicant. Besides, any person occupying that station might be supposed as little qualified, by an acquaintance with the appropriate branches of science or of the arts, to decide such questions, as any officer of the Government. And were he to undertake the task of such an examination as would be necessary to a decision in each case, he would have little time for other official duties.

Under the act referred to, the Department of State has been going on for more than forty years, issuing patents on every application, without any examination into the merit or novelty of the invention. And the evils which necessarily result from the law as it now exists must continue to increase and multiply daily, till Congress shall put a stop to them. Some of them are as follows.

1. A considerable portion of all the patents granted are worthless and void, as conflicting with and infringing upon one another, or upon public rights not subject to patent privileges; arising either from a want of due attention to the specifications of claim, or from the ignorance of the patentees of the state of the arts and manufactures, and of the inventions made in other countries, and even in our own.

2. The country becomes flooded with patent monopolies, embarrassing to bonafide patentees, whose rights are thus invaded on all sides; and not less embarrassing to the community generally, in the use of even the most common machinery and long-known improvements in the arts and common manufactures of the country.

3. Out of this interference and collision of patents and privileges, a great number of law suits arise, which are daily increasing in an alarming degree, onerous to the courts, ruinous to the parties, and injurious to society.

4. It opens the door to frauds, which have already become extensive and serious. It is represented to the committee that it is not uncommon for persons to copy patented machines in the model-room; and, having made some slight immaterial alterations, they apply in the next room for patents. There being no power given to refuse them, patents are issued of course. Thus prepared, they go forth on a retailing expedition, selling out their patent rights for States, counties, and townships, to those who have no means at hand of detecting the imposition, and who find, when it is too late, that they have purchased what the venders had no right to sell, and which they obtain thereby no right to use. This speculation in patent rights has become a regular business, and several hundred thousand dollars, it is estimated, are paid annually for void patents, many of which are thus fraudulently obtained.

In this collision and interference of patents, the original and meritorious inventor sees his invention, to the perfection of which he has devoted much time and expense, pirated from him, and he must forego the reward which the law was intended to secure to him in the exclusive right it grants; or he must become involved in numerous and expensive law suits in distant and various sections of the country, to protect and confirm his rights. If he be wise, he will generally avoid the latter, and submit to the former alternative of injustice, to which the Government, as the law now is, makes itself accessory. The practice is scarcely less reprehensible, of taking out patents for what has been long in public use, and what every one has therefore a right to use. The patentee in such cases being armed with the apparent authority of the Government, having the sanction of its highest officers, the seal of State, scours the country, and, by threats of prosecution, compels those who are found using the thing patented to pay the patent price or commutation tribute. This exaction, unjust and iniquitous as it is, is usually submitted to.

The extent of the evils resulting from the unrestrained and promiscuous grants of patent privileges may be imagined, when it is considered that there are now issued, since this year commenced, at the rate of more than a thousand a year; a considerable portion of which are doubtless void, for want of originality in the inventions patented, either in whole or in some of the parts claimed as new.

A necessary consequence is, that patents, even for new and meritorious inventions, are so much depreciated in general estimation that they are of but little value to the patentees, and the object of the patent laws, that of promoting the arts by encouragement, is in a great measure defeated.

To prevent these evils in future is the first and most desirable object of a revision and alteration of the existing laws on this subject. The most obvious, if not the only means of effecting it, appears to be to establish a check upon the granting of patents, allowing them to issue only for such inventions as are in fact new, and entitled, by the merit of originality and utility, to be protected by law. The difficulty encountered in effecting this is in determining what that check shall be; in whom the power to judge of inventions before granting a patent can safely be reposed, and how its exercise can be regulated and guarded, to prevent injustice, through mistake of judgment or otherwise, by which honest and meritorious inventors might suffer wrong.

It is obvious that the power must, in the first instance, be exercised by the Department charged with this branch of the public service. But, as it may not be thought proper to intrust its final exercise to the Department, it is deemed advisable to provide for an occasional tribunal to which an appeal may be taken. And, as a further security against any possible injustice, it is thought proper to give the applicant in certain cases, where there may be an adverse party to contest his right, an opportunity to have the decision revised in a court of law.

The duty of examination and investigation necessary to a first decision at the Patent Office is an important one, and will call for the exercise and application of much scientific acquirement and knowledge of the existing state of the arts in all their branches, not only in our own, but in other countries. Such qualifications in the officers charged with the duty will be the more necessary and desirable, because the information upon which a rejection is made at the office will be available in the final decision. It becomes necessary, then, to give to the Patent Office a new organization, and to secure to it a character altogether above a mere clerkship. The competency and efficiency of its officers should correspond with their responsibility, and with the nature and importance of the duties required of them. When the existing organization was adopted, the granting of patents was a matter of little importance, compared with what it now is. The arts in this country were but little understood, and but little cultivated. Agriculture and commerce constituted our principal business. We had few manufactures, except those of a domestic character, adapted to ordinary domestic wants. Our workshops were in Europe. Enterprise, in this country, ran in other channels. The war of 1812 gave it a new direction and a new impulse, by creating an occasion for workshops of our own. Necessity became the mother of invention, and American manufactures sprang into existence as by enchantment. Their rise and progress may be dated from that period; and a more rapid advancement in the arts, and a more astonishing development of human ingenuity, have never taken place in any other age or country. This remark will appear far from extravagant to every one who will take the trouble to examine the subject. This awakening of dormant genius to a practical and active existence, next to the arousing of the political and patriotic energies of the Union, was one of the great results of that contest. It opened to the country a new era. The nation entered upon a new existence. And, since that period, American industry and enterprise, guided by American ingenuity and intellect, have achieved what would have taken Europe a century to accomplish. She has become all at once a manufacturing as well as an agricultural and commercial nation. The useful arts have been cultivated with a success before unexampled, and have contributed, in no small degree, to the wonderful improvements which have spread themselves over our whole country. Who can predict the results, even in a few years, of that spirit of enterprise which pervades the Union, when aided by the Genius of Invention, and propelled onward by powers which she alone can bring into exercise? The very elements are submissive to her will, and all the endless combinations of mechanism are subservient to her purposes. She participates in almost every business and employment of man. Agriculture itself might as well dispense with fertility of soil, as with her aid in its cultivation.

The greatly increasing number of patents granted affords some indication of the improvements which have been going on in the useful arts from year to year. The average number issued annually, from 1790 to 1800, was but 26; from 1800 to 1810, the average number was 91; from 1810 to 1820, it was 200; and for the last ten years, the average number has been 535. During the last year, there were issued 776; and there have been granted in the first quarter of the present year 274; being more in three months than were issued in the whole of the first period of ten years. In the twenty-two years preceding the war of 1812, the average annual number was 73. The first quarter of the present year indicates an aggregate for the year of 1,096, the amount of the duties on which will be upwards of $32,000. The whole number issued at the Patent Office, under the laws of the United States, up to the 31st of March last, is 9,731. This is more than double the number which have been issued, either in England or France, during the same period. In England, for ten years preceding 1830, the average number of patents granted in one year was 145.

Whoever imagines that, because so many inventions and so many improvements in machinery have been made, there remains little else to be discovered, has but a feeble conception of the infinitude and vastness of mechanical powers, or of the unlimited reach of science. Much as has been discovered, infinitely more remains unrevealed. The ingenuity of man is exploring a region without limits, and delving in a mine whose treasures are exhaustless. "Neither are all the mysteries of nature unfolded, nor the mind tired in the pursuit of them."

The first conceptions of ingenuity, like the first suggestions of science, are theories, which require something of experiment and practical exemplification to perfect. Mechanical inventions are at first necessarily crude and incomplete. Time is required to develop their imperfections, and to make the improvements necessary to their adaptation to practical uses. Inventors generally obtain patents before they venture upon those experiments which only can test their inventions. They are apprehensive of being forestalled in their discoveries, and see no other means of protecting themselves against piracy and fraud, than by securing patents at once.

A remedy for this may be easily had, in a provision authorizing caveats to be filed in the office, giving security to the right of discovery for a time sufficient for making the necessary experiments, inquiries, and improvements.

Heretofore aliens not resident in this country have not been admitted to the privileges of our patent laws. But, as American citizens are allowed to take out patents in England and in other countries, a principle of reciprocity would seem to require that foreigners should have similar privileges here, on paying a similar duty or amount of fees that is exacted of our citizens abroad. The fees payable in England, on taking out a patent, amount to $585. If a patent be taken out for the three kingdoms of England, Ireland, and Scotland, they amount to $1,680. In France they are $309; in Spain $292; Austria $208.

A power in the Commissioner of the Patent Office to reject applications for want of novelty in the invention, it is believed, will have a most beneficial and salutary effect in relieving meritorious inventors, and the community generally, from the serious evils growing out of the granting of patents for every thing indiscriminately, creating interfering claims, encouraging fraudulent speculators in patent rights, deluging the country with worthless monopolies, and laying the foundation for endless litigation.

In nineteen cases out of twenty, probably, the opinion of the Commissioner, accompanied by the information on which his decision is founded, will be acquiesced in. When unsatisfactory, the rights of the applicant will find ample protection in an appeal to a board of examiners, selected for their particular knowledge of the subject-matter of the invention in each case.

By this means, without danger to actual and honest inventors, the number of patents would be somewhat diminished. But there would be more confidence in those which should be granted; and, as those which have been heretofore issued should be daily expiring by their limitation, the community would begin to feel and realize the advantages of such a change. The present law waits till infringements and frauds are consummated—nay, it even aids them; and then it offers an inadequate remedy for the injury, by giving an action for damages. It ought, rather, by refusing to grant interfering patents, to render prosecutions unnecessary. Instead of sanctioning the wrong, by granting the privilege to commit it, it should arrest injury and injustice at the threshold, and put an end to litigation before it begins.

Important and interesting as the Patent Office is now considered, it is believed that, under such new organization as is contemplated by the bill presented herewith, it will contribute largely to the great interests of the country, and bear no small part in elevating our national character. American ingenuity has obtained much consideration on the other side of the Atlantic. Even the manufacturers of England are not a little indebted to it for some of their most valuable improvements. Her woollen manufactures, especially, have, within a few years, undergone an entire change, by the adoption of American inventions, by which wool has been made as yielding and submissive to the power of machinery as any material whatever. Cotton machinery has also been greatly improved in the hands of our mechanics; and while England receives from us three fourths of the cotton she uses in raw material, we furnish her also with some of the most valuable improvements in the means of manufacturing it. Indeed, what mechanism or manufacture has, for the last twenty years, been brought across the Atlantic, that has not, on being returned, borne the distinguished marks of the superior ingenuity of American mechanists? Formerly, we borrowed and copied much that was valuable from Europe; now, Europe is borrowing and copying, with no little advantage, from us; and she must not be too much surprised if she shall soon find a formidable balance against her.

To carry fully into effect the objects which have been had in view, it will be necessary to provide larger and more commodious rooms for models, &c., than those now occupied for that purpose. They are insufficient for the models of machinery and other inventions now deposited there, and the number will be increasing several hundred, perhaps a thousand, every year. A great number, supposed to be about five hundred, from a want of room for them elsewhere, have been stowed away in a dark garret. Those which occupy the rooms designed for them are crowded together in a manner unfavorable for exhibition or examination. In such a situation, it is impossible to give them any systematic or scientific arrangement. This disorder and confusion must necessarily be increased by the addition of those hereafter furnished, or they must be consigned to the garret, the common receptacle, where, instead of promoting a taste for, and facilitating the study of, the useful arts, they will only afford evidence of the improvidence of the Government. In addition to this, the present building is too much exposed to destruction by fire. The loss of the records and drawings, and of the several thousands of interesting and valuable models now preserved there, would be, in a great degree, irreparable. There is no additional room to be had in the building they now occupy. The Post Office Department, in the same building, instead of having any room to spare which is now appropriated to it, requires a considerable extension of accommodations, from its increased and increasing business. It needs the whole building. The only way, therefore, of providing the necessary extension of room for the accommodation of the Post Office Department and the city post office, and of providing the requisite accommodations for the Patent Office, is to erect a suitable fire-proof building for the latter on some one of the public lots. There are ample funds arising from duties on patents, heretofore paid into the Treasury, to the account of clerkhire in that office, which remain unexpended. A portion of that surplus fund, being now about $152,000, may well be appropriated to the construction of a building which should be commodious and comparatively safe from fire.

Such a building as this branch of the public interests requires would do honor to the Government and the country. The Patent Office, with such accommodations, containing the records of this age of inventions, displaying in its halls and galleries numberless models of ingenious and useful mechanism, and contrivances in almost infinite variety, adapted to the mechanic arts, to manufactures, to husbandry, to navigation, steam power, horse power, water power, railroad transportation, and, in fine, to all the common trades and mechanical pursuits of life, as well as to our rapidly multiplying and magnificent public works, would present an object of great interest, and tend not a little to elevate our national character. It has been justly remarked that we can go into no mechanic shop, into no manufactory of any description, upon no farm or plantation, or travel a mile on our railroads or in our steamboats, without seeing the evidence of our originality, and witnessing the fruits and effects of our ingenuity and enterprise. All the inventions and improvements in mechanism which have done so much towards advancing the useful arts and manufactures, should, as far as practicable, be exhibited in one view in the halls of the Patent Office. Such a display would attract the attention of the many thousands who annually visit the capital of the Union from all quarters of the country and all parts of the world. No other nation has yet any thing to be compared with it; neither England nor France has ever required models to be deposited of patented machinery. Collections of models and drawings have sometimes been made by private associations, but they are small in number compared with those we possess.

In addition to the models of machinery, it is proposed to embrace an exhibition of specimens of useful and elegant fabrics and of works of art, which manufacturers and artificers may place there for that purpose. It might, too, embrace a cabinet of interesting minerals, which may be received from time to time from the various parts of our widely extended country, with polished specimens of its beautiful marbles from their different locations, illustrating the geology and many of the natural resources of the country; and, also, a collection of Indian curiosities and antiquities, many of which are now in the possession of one of the Departments, boxed up for want of some suitable place for their exhibition.

In short, the halls of the Patent Office should present a national museum of the arts, and be a general repository of all the inventions and improvements in machinery and manufactures, of which our country can claim the honor; together with such other objects of interest as might conveniently and properly be placed under the superintendence of the Commissioner. Such an institution, while it would be an object of just pride to every American, would have scarcely less influence in advancing and accelerating the progress of the useful arts and the improvements of our manufactures, than would even the encouragement afforded by granting patents for inventions or establishing high tariffs of protection.

With these views, the committee cannot hesitate to recommend an entire reorganization of the Patent Office, and several material alterations in our law of patents, suiting it to the present condition of the arts and the altered circumstances of the country.

A bill in conformity with their views is herewith submitted.

SLAVERY IN THE DISTRICT OF COLUMBIA.

In the House of Representatives,
February 8, 1836.

Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia; and, also, the resolutions offered by an honorable member from Maine, [Mr. Jarvis,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. Wise,] together with every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee, with instructions to report:

That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy; and

That, in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of public faith, unwise, impolitic, and dangerous to the Union. Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquillity among the various sections of this Union.

Mr. Pinckney, of South Carolina; Mr. Hamer, of Ohio; Mr. Pierce, of New Hampshire; Mr. Hardin, of Kentucky; Mr. Jarvis, of Maine; Mr. Owens, of Georgia; Mr. Muhlenberg, of Pennsylvania; Mr. Dromgoole, of Virginia; and Mr. Turrill, of New York; were appointed a committee in pursuance of the resolution.

Attest: W. S. FRANKLIN, *Clerk.*

REPORT OF Mr. PINCKNEY.

The select committee appointed under the following resolution of the House of Representatives of the United States of the 8th of February, 1836, viz: "*Resolved,* That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia; and, also, the resolutions offered by an honorable member from Maine, [Mr. Jarvis,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. Wise,] together with every other paper or proposition that may be submitted in relation to this subject, be referred to a select committee, with instructions to report: That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy; and that, in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union. Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquillity amongst the various sections of this Union;" respectfully submit the following report, in which they have unanimously concurred:

The subject referred is one of grave import. Your committee approach it with a deep sense of its magnitude and absorbing interest. They have long considered the movements in relation to this matter as fraught with incalculable evils, not only to the slaveholding States, but to every portion of our common country. They rejoice, therefore, that the great body of the people of the non-slaveholding States have come forward, as they have done, in the true spirit of American patriotism, to sustain their constitutional obligations to their Southern brethren, and to arrest the disturbance of the public peace. They rejoice particularly, that the Federal Legislature, acting under a deep sense of its responsibility to the nation, has also interposed its warning voice, and given a solemn expression of its judgment upon this exciting subject; and they feel assured, that as the representatives have responded to the people, so the people will firmly and patriotically sustain the position now taken by their representatives.

As moderation is essential to the discovery of truth, your committee will carefully abstain from every thing that may cause offence, or inflame excitement, in any section of the Union. But while they would make every allowance for the motives of individuals, where the objects contemplated are utterly destructive to society, they cannot too strongly express their condemnation of the conduct of the abolitionists, and their utter abhorrence of the consequences to which, if persisted in, it must inevitably lead. They feel assured that no man, or set of men, will be permitted to put the country and the Government at defiance, by persevering in machinations which threaten to bring the citizens of the different States into collision, and to overthrow the whole system of civil society itself, in the slaveholding portions of the Union. Your committee believe that the strength of the agitators has been greatly exaggerated, by themselves and others; but whether their number be small or great, there can be no doubt that they have done, and are doing, incalculable evil; and every true patriot must be aware that a crisis has now arrived in the political condition of the country, in which neutrality would be criminal, and in which he must determine between the suppression of abolition and the destruction of the Union, and take his stand, accordingly, for or against his country.

Your committee have learned with surprise that the reference of this subject has caused dissatisfaction in certain portions of the South. While they deeply regret this circumstance, they beg leave to remark that it is not only abundantly justified by precedent, but in entire accordance with the established usage and invariable policy, in relation to matters of this character; memorials praying for the abolition of slavery in the States, or in the District of Columbia, having always been either referred or laid upon the table. On the present occasion, the subject was referred for the express purpose of having a report "calculated to sustain the just rights of the slaveholding States and of the people of this District," and by allaying excitement, and repressing agitation, to insure the future repose and permanent tranquillity of the country. The House was unwilling, on the one side, to invade what was believed to be the right of petition, (a right equally dear to every portion of our people, and which, it is thought, could not have been denied in this instance, without establishing a precedent at least as hazardous to the South as to any other section of the Union,) and it was desirous, on the other, to accomplish for the South, what could not have been effected by refusing to receive the memorials, the union of an overwhelming majority, in a solemn and determined stand against the views and objects of the applicants. Whilst the denial of the right of petition could have produced none other than the most mischievous effects, your committee are thoroughly satisfied that the course adopted by the House will produce a state of public opinion and feeling in the non-slaveholding States, eminently favorable to the constitutional rights and interests of the slaveholding sections of the Union.

The resolution under which your committee were appointed naturally divides itself into several branches or propositions, each of which shall be considered in its order.

They are instructed to report, in the first place—

That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy.

Your committee will merely allude to this proposition, in obedience to the express direction given them by the House, and not for the purpose of entering into any argument respecting it. Unquestionably, if there is any political or constitutional principle which the people of the United States consider as settled beyond all possible dispute or controversy, it is that the institution of slavery, as it exists in the States of this confederacy, is municipal, not national, and that it belongs exclusively to the States, and can only be affected by State legislation. The power to regulate or act upon it is one of the reserved powers of the States; a power which was not only not given, nor ever intended to be given, by the framers of the constitution, to the General Government, but which the States expressly and carefully guarded and retained to themselves, by that amendment of that instrument (article 10) in which it is declared, that "all powers not delegated by the constitution to the United States, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." The subject of slavery in the States, then, is not an open question or matter of debate. The fact that Congress possesses no authority whatever to legislate respecting it, is one that can neither be strengthened by argument, nor made clearer by discussion. And your committee consider it most fortunate for the peace of the country that it is so. He is indeed but little acquainted with the human heart, and has derived but little advantage from the lessons of history, who can imagine for a moment, if he knows any thing of the general character, or considers the political and physical strength of the people of the South, that even if the power of legislation on this subject had been expressly conferred on Congress by the constitution, it could be exercised against the consent of the States interested, without the certainty of civil war, and the probable dissolution of the Union. The declaration, however, which the House has so solemnly and decisively made upon this point, cannot fail, as your committee believe, to produce the most beneficial results. As the abolitionists care little for emancipation in the District, except as the precursor of a far more extended and general scheme, the presumption is, that having now no possible hope of governmental interference with the States, and seeing the more than probable consequences of the exercise of such a power, if it were possessed, they will discontinue their machinations in relation to the District: a consummation devoutly to be wished by every patriot, in every section of the Union. But be the issue what it may, the House of Representatives has done its duty by placing this solemn declaration upon record. It is not only peculiarly proper in itself, considering the present state of the abolition question, but, if any justification were necessary, it is amply justified by precedent. In 1790, (and from that period to the present the abolitionists have steadily aimed at general emancipation,) several petitions, praying for the abolition of slavery in the States, having been presented and referred, the House finally adopted a resolution, amongst others, in which it announced to the petitioners and to the country, "that Congress has no authority to interfere in the emancipation of slaves, or in the treatment of them, in any of the States, it remaining with the several States alone to provide any regulations therein, which humanity or policy may require." Upon the whole, your committee consider the instruction given them by the House upon this point rather as a decisive expression of a great fundamental principle of constitutional law, than as a call upon them to sustain a questionable position. They are aware that some members voted against the instruction upon this point, under the impression that, whilst the principle asserted is unquestionable in itself, its assertion by the House, in this form, might seem to imply doubt, and to countenance the idea that it is really debateable. In this view, the members who thus voted may be joined, perhaps, by many intelligent and worthy citizens of the slaveholding States; but your committee cannot believe that the assertion, in any form, by the House of Representatives, of a principle so important, and at the same time of so strong a local bearing, and particularly by a vote so nearly approaching unanimity as is recorded on its journal in favor of this instruction, can have a tendency to weaken that principle, or its binding and paramount influence upon Congress and the country in all time to come. The precedent above quoted from the Congress of 1790 shows that the House of Representatives of that day, so far from fearing the effect of such action upon its part, sought to record its solemn conviction upon this question of power in themselves, and has handed down to us its judgment, in precise accordance with our own. That House was largely, if not entirely, composed of men of the Revolution, and many of its members are known to have been also members of the convention which formed the federal constitution. Since that period, nearly half a century has rolled away, and now that the successors of that House, acting under the same considerations, solemnly reaffirm the principle laid down by those great and good men, and avow it to be not only the settled opinion of this Congress, but of the great body of the people of the United States, may we not hope, and indeed conclude, that it will be hereafter deemed a solemn and deliberate exposition of the constitution, and that all attempts in future to violate those sacred compromises which lie at the very foundation of our constitutional compact, or to excite apprehension on this subject, will be effectually counteracted and defeated. Your committee cannot but indulge a most confident and animated hope that these good effects will be produced by the present action of the House.

Your committee are instructed to report, in the second place—

That, in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia:

1st. Because it would be a violation of the public faith.

To obey this instruction of the House in the manner pointed out by the resolution, it will be necessary to examine, to some extent, the relations between the Federal Government and the District of Columbia; the probable objects of the provision in the constitution authorizing the cession of the District to the United States; and the consequent expectations which may have been rationally entertained by the States that made the cession, as to the exercise, by Congress, of the powers granted to it over the ceded territory. Before entering upon this examination, however, it may be well to remark that the powers of Congress over this District involved in this discussion are wholly independent of, and derived from a source entirely separate from, the general legislative powers granted to Congress by the constitution. As the Legislature of confederated States, the powers of Congress are equal, and of universal application, throughout all the States; and they were given to Congress before the cession of the District, and were held and exercised independently thereof. This will be made manifest by a brief statement of facts. The first Congress under the constitution assembled on the 4th of March, 1789, and the Government provided for by the constitution was organized on that day. The general powers conferred on the different branches of the Federal Government were exercised from that day forward; and the union of the States, under constitutional government, was then perfected and put in practical operation. The cession from Virginia, of that portion of the District of Columbia that belonged to her, was not made until the 3d of December of that year—nine months after the Federal Government had been in operation;[*] and the cession by Maryland, of that portion of the District that belonged to her, (and in which the seat of Government is in fact located,) was not made until the 19th day of December, 1791[†]—more than two years and nine months after the existence of the Government in its present constitutional form. Congress did not, in fact, remove to the District thus ceded, nor did the District thus ceded become practically the seat of Government, until the year 1800; and the laws of the States by which the District was ceded were declared, by an act of Congress of the 16th July, 1790,[‡] "to be in force within the District until the removal of the Government to it, and until Congress shall otherwise by law direct."

It appears, then, that the Federal Government was in operation under the constitution nearly a year before Congress possessed any power of local legislation over any portion of the District of Columbia, and nearly three years before that power became as extensive as the present bounds of the District, or included that portion of the ten miles square in which the seat of Government is in fact located. It also appears that the first act of the Federal Legislature in reference to its jurisdiction, then partly acquired, and partly to be acquired, was to provide for the continuance, in all their force, and in every particular, within the District, of the laws of the States that made the cession, until December, 1800; a period of nine years after the time when the powers of Congress, as a local Legislature for the District, were perfected by the State of Maryland. Nor is this all: by the act of 1790 it was declared, as has been already shown, that the laws of Maryland and Virginia should be the laws of the District, not only "until the time fixed for the removal of the Government thereto," but also "until Congress shall otherwise provide by law." No alteration, however, to any considerable extent, has yet been made, and the laws of Virginia and Maryland which were in force at the time of their respective cessions, and in force respectively in the portions of the District ceded by each, still continue to be, in almost every particular, the local laws of the District of Columbia.

Such are the relations at present existing between the Federal Government and the District, so far as local legislation is concerned. The powers of Congress, as the local Legislature of the District, were derived from the cessions by Virginia and Maryland, and the special grant of exclusive legislation, and not from the general powers conferred upon it by the constitution; and these special and local powers, which Congress has now possessed for nearly half a century, have been exercised only to the extent above described; and, from the best information your committee have been able to obtain, to no other or greater extent.

The right of Congress to accept the cession of this territory from the States of Virginia and Maryland is found in the eighth section of the first article of the constitution of the United States, which gives it power "to exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States;" and the purpose for which the cession was to be made and received is declared in the language of the constitution itself, "such district as may become the seat of Government of the United States." The cession, therefore, was to be made for this purpose, and for no other; and, as regards its use by the Federal Government, the object of this provision evidently was simply to authorize Congress to accept the grant, and to exercise the powers of legislation therein provided for.

It will be conceded by the committee, for the purpose of this report, that the cession was made in conformity with the power of Congress to receive, and that, therefore, by the cession from Virginia and Maryland, Congress is in possession of the powers which the constitution intended it should possess over the district intended to be ceded.

This brings us to the inquiry, as to the probable objects of the grant of "exclusive legislation in all cases whatsoever," over the territory which was to constitute the seat of Government of the United States. In consulting the commentators upon the constitution, it will be found that the old Congress encountered inconveniences, and even dangers, from holding their sessions where State Legislatures had exclusive local jurisdiction, and where State authorities alone were to be depended on in matters of police and personal protection. Indeed, an adjournment of that Congress from the State of Pennsylvania to New Jersey, for a cause of this description, which occurred at the close of the revolutionary war, no doubt contributed greatly to the introduction of this clause into the constitution of the Union. The proceedings of the old Congress show, distinctly, that the acquirement of a territory for the seat of the Federal Legislature, over which it should have exclusive or special jurisdiction, was a favorite idea with that body, as early as the year 1783, and that it continued up to the time of the formation of the constitution. Upon this point your committee will only detain the House with a few of the resolutions adopted by the old Congress that go to establish it. On the 7th of October, 1783, a resolution was passed, "that buildings for the use of Congress be erected on or near the banks of the Delaware,[*] provided a suitable district can be procured on or near the banks of the said river for a federal town, and that the right of soil, and exclusive or such other jurisdiction as Congress may direct, shall be vested in the United States." On the 21st of the same month, (October, 1783,) another resolution was passed, preceded by a preamble, as follows: "Whereas there is reason to expect that the providing buildings for the alternate residence of Congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the States, *Resolved*, That buildings be provided for the use of Congress at or near the lower falls of the Potomac,[†] or Georgetown, provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States."

On the 20th of December, 1784, the old Congress passed, among others, the following resolutions:

"*Resolved*, That it is expedient that Congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

"*Resolved*, That it is inexpedient for Congress at this time to erect public buildings for their accommodation at more than one place."

These resolutions by the continental Congress, as to the expediency and necessity for a territory for the seat of the Federal Government, over which it should have peculiar if not exclusive jurisdiction, are produced to show the origin of the provision in the constitution upon that subject, and the object for which the acquisition of such a territory was desired. That object, beyond all question, was to secure a seat for the Federal Government, where the power of self-protection should be ample and complete, and where it might be exercised without collision or conflict with the legislative powers of any of the States, so far as its exercise should be required for the great national purposes for which the peculiar or exclusive jurisdiction was sought to be obtained. The jurisdiction was made exclusive, not, as your committee believe, and as they think every considerate citizen will admit, to change the object of the grant of the jurisdiction when it should be made, but to secure that object more effectually by making the Federal Government independent of State interference, and of State protection, within the district where it was to be located, and where its deliberations should be held. Had the legislative power of Congress over this District not been made exclusive, one of the great and wise objects intended to be secured, the prevention of conflict between Federal and State legislation, would have been necessarily defeated. Every statesman will admit the extreme inconvenience and danger of granting powers of legislation of the same character, and to be exercised within the same territory, (powers of local and municipal legislation,) to two distinct and independent legislative bodies; and the extreme difficulty, if not impossibility, of so defining the portions of power to be exercised by each, as to prevent constant conflict and collision. This must have been the result, if any division of the powers of local legislation, within the District of Columbia, had been made between Congress and the States by which the territory was ceded to the United States. Congress required all that power which, through all time, would be indispensably necessary for its own protection, and also to render all the departments of the Federal Government independent of State authority, and entirely dependent on, and obedient to, the Federal Legislature, and it alone, in all matters of police or municipal legislation. The adoption of the federal constitution by the people of the several States with this provision in it, shows that the attainment of these objects was considered of paramount importance; and, hence, in the judgment of your committee, the power in question was made exclusive.

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[*] Laws District of Columbia, p. 59.

[†] Laws District of Columbia, p. 64.

[‡] Laws of the United States, vol. 2, p. 113.

[*] Journals of the old Congress, vol. 4, p. 288.

[†] Journals of the old Congress, p. 299.

Assuming the correctness of these premises, the next inquiry is, what expectations were the States by which the District was ceded, as well as their sister States, authorized to entertain as to the exercise by Congress of the legislative powers derived from these cessions? These cessions included not only a portion of the territory of those States, but also a portion of their citizens. To secure the great national objects intended by the cession, the jurisdiction of the States over those citizens, as well as over the territory of the District, was transferred to the Federal Legislature. This transfer, from the necessity of the case, abridged the rights of the citizens within the territory, who had been formerly entitled to vote for their legislators and other rulers, by subjecting them to a Government composed of persons in whose election they were to have no choice. Their governance, however, was confided to those intrusted with the common Government of all the States; and when we reflect upon the confidence reposed in Congress by the States that made the transfer, and by the citizens transferred, it accounts at once for the readiness with which the cession was effected. Still, the question recurs, what expectations might reasonably be entertained by the States making the cession, by the other States of the confederacy, so far as their interests were directly or indirectly involved, and by the citizens thus placed under the peculiar care of Congress, as to its exercise of the powers conferred upon it by this cession of territories for a seat of the Federal Government?

Your committee have no hesitation to say, in answer to this inquiry, that those expectations, by all the parties interested, not only might, but must have been, that Congress would exercise the powers conferred, so far as their exercise should be found necessary for the great national objects of the cession, with strict reference to the accomplishment of those objects; and that all other powers conferred by the cession would be exercised with an equally strict reference to the interests and welfare of the inhabitants of the District—those citizens of two free States who had been made dependent on Congress for their local legislation, for the protection of life, liberty, and property—rights guarantied by the constitution to all the citizens of the confederacy—in order that a seat for the Federal Government, subject to the exclusive control of Congress, might be granted to it. If these positions are correct, it follows necessarily that the institutions, the customs, the rights, the property, and every other incident pertaining to those citizens, and municipal in its character, which they enjoyed as citizens of the States to which they belonged before the cession of the District, and which did not then, and have not yet, interfered with the great national rights and privileges intended to be secured by the cession, should have been hitherto, and should be in all time to come, guarded and preserved with the same paternal care and kindness with which the Legislatures of the States to which they belonged would have guarded and protected them, if they had continued to be intrusted to their respective jurisdictions.

Your committee rely confidently upon this as the great rule for the faithful action of Congress in reference to this subject. They feel assured that no rational man will differ with them. Two questions, then, remain to be considered, to determine whether Congress should or should not attempt to interfere with slavery in the District of Columbia, viz:

1. Do the great national objects which were intended to be secured to the Federal Government by the cession of the territory require such action on the part of Congress?

Your committee will make no argument upon so plain a proposition. No individual within their knowledge, not even the most deluded fanatic, has ever asked, or attempted to justify, a measure of this description upon such a pretext. The security and independence of Congress, from the moment of its removal to this District to the present hour, have been as perfect as the framers of the constitution could have desired. No intimation has ever been heard that the existence of slavery in the District of Columbia has ever produced the slightest danger or inconvenience either to the interests or to the officers of the Federal Government within it. Surely, then, Congress cannot be called upon to interfere with that institution within the District, as one of its duties growing out of the national objects connected with the cession; and if such interference is demanded from it, the demand must grow out of its relations to the District as a local Legislature. This brings the committee to the remaining question:

2. Would the States of Maryland and Virginia, if the cession of this territory to the Federal Government had not been made, from any thing which has been shown to Congress, be induced to interfere with, or abolish, the institution of domestic slavery within it?

At the time of the cession from those States, slavery existed in every portion of their territory, in the same degree, and subject to the same laws and regulations by which it was authorized and regulated in the territory ceded to the Federal Government. It still exists in those States, without any material variation or modification of their laws respecting it. As those States, then, have not abolished it within the territories remaining under their jurisdiction, is it reasonable to suppose that they would have abolished it in the territory comprising the District, had they continued to retain their original jurisdiction over it? Can any reason whatever be given for the abolition of slavery in this particular District, which does not apply with equal force to every other slaveholding section of the country? Can any cause be shown why the States of Maryland and Virginia would have abolished, or would now abolish, slavery in this District, had it continued to form a part of those States, respectively, which would not have warranted or produced general abolition throughout those States? Most unquestionably not. As those States, then, have not abolished slavery in the residue of their territory, it is evident that they would not have abolished it in the District of Columbia, if it had continued subject to their action. It follows conclusively, therefore, that Congress, as the local Legislature of the District, and acting independently of the national considerations connected with its powers over it, is bound, for the preservation of the public faith and the rights of all the parties interested, to act upon the same reasons, and to exercise the same paternal regard, which would have governed the States by which the District was ceded to the Federal Government. And it is unnecessary to add, that Congress has acted wisely in treating the institutions found in existence at the time of the cession, as the institutions of the people of the District; in continuing their laws and customs, as the laws and customs to which they had been used, and which should never be altered, or interfered with, except where the people themselves may be desirous of a change.

Your committee must go further, and express their full conviction that any interference by Congress with the private interests or rights of the citizens of this District, without their consent, would be a breach of the faith reposed in the Federal Government by the States that made the cession, and as violent an infraction of private rights as it would have been if those States themselves, supposing their jurisdiction had remained unimpaired over their territory, had abolished slavery within those portions of their respective limits, and had continued its existence, upon its present basis, in every other portion of them. And surely there is no citizen, in any quarter of the country, who has the smallest regard for our laws and institutions, State and national, or for equal justice, and an equality of rights and privileges among citizens entitled to it, who would attempt to justify such an outrage on the part of those States. The question, then, is, are the citizens of the District desirous of a change themselves? Has any request or movement been made by them that would justify an interference with their private rights on the part of Congress? None, whatever! The citizens of the District not only have not solicited any action on the part of Congress, but it is well known that they earnestly deprecate such action, and regard with abhorrence the efforts that are made by others, who have no interest whatever in the District, to effect it. It is impossible, therefore, that any such interference on the part of Congress could be justified, or even palliated, on the ground that it was sought or desired by those who are alone interested in the subject. If, therefore, Congress were to interfere with this description of property, against the consent of the people of the District, your committee feel bound to say that it would be as gross a breach of public faith, and as outrageous an infraction of private rights, as it would have been if such an interference had been committed by the States of which the District was formerly a part, supposing that it never had been ceded to the United States.

Your committee will here anticipate an objection which may be urged against this reasoning and these conclusions. They have shown that the powers of Congress over this District divide themselves into two classes, national and local; that, in reference to the former, the action of Congress should be governed by the interests of the whole country, so far as they are connected with the branches of the Federal Government located within the District; that, in reference to the latter, its powers are, and its action should be, those of a local and municipal Legislature, extending its paternal care and protection over the citizens dependent upon, and subjected to, this branch of its authority; that, in the exercise of its powers, the safest stand in reference to slavery is, what would the States to which the District originally belonged, and of which its citizens were originally citizens, have done in case their jurisdiction had never been transferred to Congress; and that those States would certainly not have interfered with the institution of slavery in the District, had the power to do so remained with them. The objection anticipated is, that the States in question have pursued an unwise policy as to themselves, and that their having done so should not have bound Congress, as the local Legislature of the District, to a similar policy in relation to its government. To this, however, your committee consider it perfectly conclusive to reply, that, under our institutions, that people is the best governed which is governed most in accordance with its own habits, interests, and wishes; that the policy hitherto pursued by Congress in reference to slavery within the District, your committee have every reason to believe, has been in perfect conformity with the wishes and interests of the citizens concerned; and that it will be time enough for Congress, acting as the local Legislature of the District, and in that capacity bound to consult the governed, as the regulators of its action, to move in any matter relating to their private interests and rights when they themselves shall ask such movement.

There is another consideration connected with this part of the argument, which your committee think worthy of attention. It is this: that there is no law in the District prohibiting the master from manumitting his slaves, which he may do at his own discretion, and without incurring any responsibility whatever. Certain it is that no such law has been passed by Congress. The citizens of the District, therefore, have no necessity for the aid of Congress, should they wish the abolition of slavery among them. They have only to exercise an existing right, and their wish will be accomplished. Can there be more decisive evidence, then, that they do not wish the abolition of slavery, than that it continues to exist among them? or can any one desire more conclusive proof that any attempt by Congress to effect this object by the force of law would be an interference with the rights of private property, against the wishes and consent of those concerned, and for none of the purposes for which Congress is authorized by the constitution to take private property for public use?

Hence, your committee believe they have proved, beyond the power of contradiction, that an interference by Congress with slavery in the District of Columbia would be a violation of the public faith—of the faith reposed in Congress by the States which ceded the territory to the Federal Government, so far as the rights and interests of those citizens residing within the ceded territory are concerned.

Your committee will now consider this proposition in reference to the interests of the States of Maryland and Virginia. They were slaveholding States at the time they made their cession, and they are so still. They entirely surround this District, from which they are only separated upon all sides by imaginary lines. They made the cession for the great national objects which have been already pointed out, and they made it from motives of patriotism alone, and without any compensation from the Federal Government for the surrender of jurisdiction over commanding positions in both States. The surrender was made for purposes deemed sufficiently important, by all the original States, to be provided for in the constitution of the United States; and it was made in conformity with that provision of the constitution. It is surely unnecessary, after this statement of facts, to undertake to show that those patriotic States made this cession for purposes of good to the Union, and consequently to themselves, and not for purposes of evil to themselves, and consequently to the Union; and that the Government of the United States accepted the cession for the same good, and not for evil, purposes.

If, then, it can be demonstrated that the abolition of slavery in the District of Columbia would produce evil, and not good, to the States that made the cession, the conclusion is inevitable that such an act on the part of Congress would be a violation of the faith reposed in it by those States. To all to whom this is not perfectly palpable without an argument, the following considerations are presented:

It has been already said that the States of Maryland and Virginia surround the District. It has also been shown that, in reference to slavery within the District, the relations of Congress are entirely those of a local Legislature, and that its action, therefore, in this capacity, should be governed by the same reasons which would have governed those States themselves in relation to this subject, if their jurisdiction over this territory had never been surrendered. Let us suppose, then, that this jurisdiction had never been surrendered by Maryland and Virginia, and that it was now proposed that they should abolish slavery, and relinquish all power of legislation over free blacks, within the portions of those States which constitute the District of Columbia, retaining their respective institutions of slavery in all the remaining portions of their territory. Who is there that would not be amazed at the folly of such an act? Who does not see that such a step would necessarily produce discontent and insurrections in the remaining portions of those States? Who does not perceive that under such circumstances the District would constitute at once a neutral ground, upon which hosts of free blacks, fugitive slaves, and incendiaries, would be assembled in the work of general abolitionism; and that, from such a magazine of evil, every conceivable mischief would be spread through the surrounding country, with almost the rapidity of the movements of the atmosphere? Surely no one can doubt the certainty of the consequential evils in the case supposed. How, then, can any doubt or deny the dangers in the case before us? The territory is the same; it is surrounded by the same portions of slaveholding States; and the only difference is, that in the case supposed the abolition would be the work of State authorities, while, in the other, it is sought to accomplish it by the authority of Congress. The condition of things before and after it is done is the same in both cases, and the opportunities for mischief, in case the work be accomplished, are equal in both. Can it be necessary to say more, to establish the position, that any interference with slavery in the District of Columbia, on the part of Congress, would be a violation of the public faith, the faith reposed in Congress by those States, and without which they never could have been induced to have made that cession?

It only remains, under this head, to show that Congress could not interfere with slavery in the District of Columbia, without a violation of the public faith, in reference to the slaveholding States generally, as well as to the States of Virginia and Maryland. The provision of the constitution authorizing Congress to accept the cession of a territory for a seat of the Federal Government, and to exercise exclusive jurisdiction over it, was as general and universal as any other provision in that instrument. In its national objects all the States were equally interested, and so far as there was any danger that the powers of local legislation conferred on Congress might interfere with, or injuriously affect, the institutions of the various States, each State possessed an interest proportionate to the probable danger to itself. As far as your committee know or believe, however, no apprehension of an interference on the subject of domestic slavery was entertained in any quarter, or expressed by any statesman of the day. An examination of the commentaries on the constitution will show that various apprehensions were entertained, as to the powers conferred on Congress by this clause, such as that privileged classes of society might be created within the District; that a standing army, dangerous to the liberties of the country, might be organized and sustained within it, and the like; but not a suggestion can be found that, under the local powers to be conferred, any attempt would be made to interfere with the private rights of the citizens who might be embraced within the District, or to disturb or change, directly or by consequence, the municipal institutions of the States, or that the subject of domestic slavery, as it existed in the States, could be in any way involved in the proposed cession. At that time, all the States held slaves. Many of them have since, by their own independent action, without influence or interference from the Federal Government, or from their sister States, effected, in their own time and way, the work of emancipation; others of the original States remain as they were at the time of the adoption of the constitution, in reference to this description of property, and several new members have been admitted into the Union as slaveholding States. All the States which have held or now hold slave property have invariably considered the institution as one exclusively subject to State authority, and not to be affected, directly or indirectly, by federal interference. The practice of the Government, as well as its theory, has established this doctrine, and the action of the States, in retaining or abolishing the institution at pleasure, has conformed entirely to this principle. Now, the subject of federal interference has become one of some agitation, and Congress is solicited to adopt measures in relation to the District of Columbia, which have been shown to be most dangerous and destructive to the security and interests of the two slaveholding States by which it was ceded to the Federal Government. Your committee will not trouble the House to prove that any measure of the Federal Legislature, which would have this tendency in those two States, would, from the very necessity of the case, and the unity of the interest wherever it exists, have the same tendency, measurably, in all the other slaveholding members of the Union. This position is too plain for argument. If, then, all the States were equally interested in the national objects for which this territory was ceded as the seat of the Federal Government; if that cession was designed by the framers of the constitution to enure to the benefit of the whole confederacy, and was made in furtherance of that design; and if Congress, contrary to the obvious intent and spirit of the cession, shall do an act not required by the national objects contemplated by it, but directly repugnant to the interests and wishes of the citizens of the ceded territory, and calculated to disturb the peace and endanger the interests of the slaveholding members of the Union, such an act must be in violation of the public faith; of the faith reposed in Congress by the States that made the cession, and which would be deeply injured by such an exercise of power under it, and also of the faith reposed in that body by all the States, inasmuch as no independent State in the Union can be injured in its peace, or its rightful interests, by the action of the Federal Government, without a corresponding injury to every member of the confederated States.

Your committee have already shown that an interference with slavery in the District of Columbia would involve a violation of the public faith, as regards the rights and interests of the citizens thereof. They recur to this topic, however, on account of its importance, and for the purpose of putting it in another light, and, as they consider, upon unanswerable ground. They are aware that, under the constitution,* Congress possesses "exclusive legislation" over the aforesaid District; but the power of legislation was given to be exercised for beneficial purposes only, and cannot, therefore, be exercised, consistently with public faith, for any object that is at war with the great principles upon which the Government itself is founded. The constitution, to be properly understood, must be taken as a whole. Wherever a particular power is granted, the extent to which it may be carried can only be inferred from other provisions, by which it may be regulated or restrained. The constitution, while it confers upon Congress exclusive legislation within this District, does not, and could not, confer unlimited or despotic authority over it. It could confer no power contrary to the fundamental principles of the constitution itself, and the essential and unalienable rights of American citizens. The right to legislate, therefore, (to make the constitution consistent with itself,) is evidently qualified by the provision that "no man shall be deprived of life, liberty, or property, without due process of law,"* and various others of a similar character. We lay it down as a rule, that no Government can do any thing directly repugnant to the principles of natural justice and of the social compact. It would be totally subversive of all the purposes for which government is instituted. Vattel says: "The great end of civil society is, whatever constitutes happiness, with the peaceful possession of property." No republican would tolerate that a man should be punished, by a special statute, for an act not legally punishable at the time of its commission. No republican could approve any system of legislation by which private contracts, lawfully made, should be declared null and void, or by which the property of an individual, lawfully acquired, should be arbitrarily wrested from him by the high hand of power. But these great principles are not left for their support to the natural feelings of the human heart, or to the mere general spirit of republican government. They are expressly incorporated in the constitution, and they have also been recognised, and insisted on, by the Supreme Court of the United States, which lays down the following sound and incontrovertible doctrine: "There are acts which the Federal or State Legislatures cannot do, without exceeding their authority. There are certain vital principles in our free republican Government, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property, for the protection whereof the Government was established. An act of the Legislature, contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law, in Governments established on express compact, and on republican principles, must be determined by the nature of the power on which it is founded. A few instances will suffice to explain. A law that punished a citizen for an innocent action, or that was in violation of an existing law; a law that destroys or impairs the obligation of the lawful private contracts of citizens; a law that makes a man a judge in his own case; or a law that takes property from A, and gives it to B. It is against all reason and justice for a people to intrust a Legislature with such powers, and therefore it cannot be presumed that they have done it. The Legislature may enjoin or permit, forbid or punish; they may declare new crimes, and establish rules of conduct for future cases, but they cannot change innocence into guilt, or punish innocence as a crime, or violate the rights of an antecedent lawful private contract, or the right of private property. To maintain that our Federal or State Legislatures possess such powers, even if they had not been expressly restrained, would be a political heresy, altogether inadmissible in our free republican Government."† Now, every principle here affirmed by the court applies to and protects the people of this District, as well as the people of the States. The inhabitants of this District are a part of the people of the United States. Every right and interest secured by the constitution to the people of the States, is equally secured to the people of the District. Congress can, therefore, do no act affecting property or person, in relation to this District, which it is prohibited to do in relation to the citizens of the States, without a direct violation of the public faith. For instance, it is a well-settled constitutional principle, that "private property shall not be taken for public use, without just compensation." Now, the true meaning of this provision obviously is, that private property shall be taken only for public use, but shall not be taken, even then, without adequate remuneration. It is evident, however, in reference to slavery, either that the Government would use the slaves, or that it would not. If it would use them, then they would not be emancipated; and it would be an idle mockery to talk of the freedom of those who would only cease to be private, to become public slaves. If it would not use them, then, how could it be said that they were taken for the public use, consistently with the provision just recited? But even if they could be taken without reference to public use, they could not be taken without just compensation. It is exceedingly questionable, however, whether Congress could legally apply the public revenue to such an object, even with the consent of the owners of the slaves. As to emancipation without their consent, and without just compensation, your committee will not stop to consider it. It could not bear examination. Honor, humanity, policy, all forbid it. It is manifest, then, from all the considerations herein stated, (and there are others equally forcible that might be urged,) that Congress could not abolish slavery in the District of Columbia, without a violation of the public faith.

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* Article 1, section 8.

Your committee will only add one or two reflections upon this interesting point.

What is the meaning of the declaration adopted by the House, in relation to the District of Columbia? Is it not that Congress cannot, and will not, do an act which it has solemnly proclaimed to involve a violation of the public faith? Does it not afford every security to the South which it is in the power of the Federal Government to afford? Is it not tantamount, in its binding obligation upon the Government, to a positive declaration that the abolition of slavery in the District of Columbia would be unconstitutional? Nay, is it not even more efficacious in point of fact? Constitutional provisions are matters of construction. The opinion of one House, upon an abstract controverted point, may be overruled and reversed by another. But when Congress has solemnly declared that a particular act would be a violation of the public faith, is it to be supposed that it would ever violate a pledge thus given to the country? Can any abolitionist expect it? Need any citizen of a slave State fear it? What is public faith but the honor of the Government? Why are treaties regarded as sacred and inviolable? Why, but because they involve the pledge, and depend upon the sanctity, of the national faith? Why are all compacts or promises made by Governments held to be irrevocably binding? Why, but because they cannot break them without committing perfidy, and destroying all confidence in their justice and integrity? Surely, then, your committee may say with the utmost confidence, (and the sentiment will be ratified by every American heart,) that the declaration now promulged in relation to this subject will not be departed from by any succeeding Legislature, except under circumstances (should any such ever arise in the progress of our country) in which a departure from it would not be regarded by the slaveholding States themselves as a wanton or arbitrary infraction of the public faith.

Your committee are further instructed to report that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia—

2dly. Because it would be unwise and impolitic.

It will be palpable to the minds of all, that if the committee have succeeded in establishing, as they think they have, that any such interference on the part of Congress would be a violation of the public faith, it would be a work of supererogation to attempt to show that such an act would be unwise and impolitic. As there may be some, however, who may not agree with them in their arguments or conclusions upon that point, they feel bound, under the instruction of the House, to offer a few suggestions under this head.

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* Amendments to the constitution, art. 5.

† Dallas's Rep. vol. 3, p. 388.

The Federal Government was the creation of the States of the confederacy, and the great objects of its creation and organization "were to form a more perfect union, establish justice, insure domestic tranquillity, and proivde for the common defence and general welfare."

Apply these principles, then, to an interference by Congress with slavery in the District of Columbia. Such action, to be politic, must be in accordance with some one of those great objects; and it will be the duty of the committee, in as concise a manner as possible, to show that it would not be in accordance with either of them.

First, then, as to the District itself.

It has already been shown that any interference, unsolicited by the inhabitants of the District, cannot "establish justice," or promote the cause of justice within it, but directly the reverse. No greater degree of slavery exists here now, than did exist when the constitution was adopted, and then the inhabitants of the District were citizens of the States of Maryland and Virginia, and had a voice in the adoption of that instrument. Surely their subsequent transfer to the jurisdiction of Congress, made in conformity with that constitution, could not deprive them of the protection to which they were entitled by these great leading principles of it. On the contrary, they had every right to expect that Congress would "establish justice," as to them, in strict compliance with the great charter under which it acted, and by which it is forbidden to interfere with the rights of private property, without their consent, or in any way to affect, injuriously, their domestic institutions. Of those institutions, slavery was, and is, the most important; and any attempt on the part of Congress, acting as the local Legislature of the District, to abolish it, would be not only impolitic, but an act of gross injustice and oppression.

Secondly, as to the States of the Union. Here, again, your committee have but to refer to their former remarks, to show that the abolition of slavery in the District would not "establish justice," but work great injustice to the surrounding States in particular, and to all the slave States in general, and in a degree proportioned to their proximity to the District, and to the influence upon the institution of slavery in the Union, of such action on the part of Congress. They have also shown that the abolition of slavery here, so far from tending to "insure domestic tranquillity," would have a direct tendency to produce domestic discord and violence, and servile war, in all the slaveholding States. As these consequences, then, would follow such action in reference to the States, your committee need not say that, instead of providing for "the common defence by it," Congress would be called upon to provide for the common defence "in consequence of it," and to an extent which cannot now be foreseen. Seeing, then, that the American confederacy was formed for the great objects of providing for "the common defence and general welfare," it follows, necessarily, that Congress is not only restrained from the commission of any act by which these objects may be frustrated, but that it is bound to sustain and promote them. The same provision of the constitution* which requires it to call out the militia to "suppress insurrections," unquestionably imposes the corresponding obligation upon it to commit no act by which an insurrectionary spirit may be excited. The same provision which enjoins it on the Federal Government to "guaranty to each State a republican form of government, and to aid and protect each State against domestic violence,"† evidently implies the correlative obligation to take no step, of which the direct and inevitable tendency would be to overthrow the State Governments, and to involve them in wide-spread scenes of misery and desolation. In one word, if it be the duty of Congress, as it most clearly is, to support and preserve the constitution and the Union, then it is manifest that it is bound to avoid the adoption of any legislation which may lead to their destruction. Your committee consider these positions too obvious to require argument or illustration. They consider it equally manifest, that any attempt to abolish slavery in the District would necessarily tend to the deplorable consequences to which they have adverted. Congress, therefore, is bound, by every principle of duty which forbids it to interfere with slavery in any of the States, to abstain from any similar interference in the District of Columbia.

Your committee have already adverted to the evils that would necessarily result to the surrounding States, and to the slave States generally, from any interference by Congress with the institution of slavery in the District of Columbia. The nature and magnitude of those evils, however, require that they should be exhibited more fully and distinctly. The question is, whether slavery ought to be abolished in the District of Columbia? Now, suppose the affirmative of this proposition were sustained by Congress, what would it be but indirect legislation, or rather direct interference, as regards the rights and property of the Southern States. And can any one imagine that such a state of things would be patiently borne? But this is not all; nay, it is not half the evil that would follow. Could slavery be abolished in the District without leading directly and inevitably to insubordination and revolt throughout the South? And can any one desire to produce such results? Is there a man who has forgotten the history of St. Domingo, or the insurgent attempt at Charleston, or the tragical scenes at Southampton, or the recent and lamentable occurrences in the States of Louisiana and Mississippi? or is there an individual who would wish them repeated, and extended throughout the entire region of the South? Why, then, will infatuated individuals persist in pressing a scheme which is not only impracticable, as regards the States, but fraught with evil to the very objects it is proposed to benefit? True philanthropy would avoid this subject, seeing the distraction it creates, and the dreadful consequences it involves. It would leave it to those whom it most concerns, and who alone are competent to act upon it. It would trust to time, and to the gradual operation of causes which may arise of themselves, but which can neither be produced nor hastened by foreign interference, or the power of this Government. Why, then, your committee earnestly repeat, why urge a measure which is clearly impracticable in itself, which none but the slaveholding States have a right to act on, and which has increased, and will always increase, the hardships and restraints of those for whose imaginary benefit they are waging this cruel and fanatical crusade?

We have said that the scheme of general emancipation is impracticable. The slightest reflection must satisfy every candid mind of the truth of this assertion.

Admitting that the Federal Government had a right to act upon this matter, which it clearly has not, it certainly never could achieve such an operation without full compensation to the owners. And what would probably be the amount required? The aggregate value of all that species of property is not less, probably, than four hundred millions of dollars! And how could such an amount be raised? Will the people of this country ever consent to the imposition of oppressive taxes, that the proceeds may be applied to the purchase of slaves? The idea is preposterous; and not only that, but it is susceptible of demonstration, that even if an annual appropriation of ten millions were actually applied to the purchase and transportation of slaves, the whole number would not be sensibly diminished at the expiration of half a century, from the natural growth and multiplication of the race. Burden the Treasury as we might, it would still be an endless expense and an interminable work. And this view of the subject, surely, is sufficient of itself to prove, that of all the schemes ever projected by fanaticism, the idea of universal emancipation is the most visionary and impracticable.

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* Constitution, article 1, section 8.

† Article 4, section 4.

But even if the scheme were practicable, what would be gained by effecting it? Suppose that Congress could emancipate all the slaves in the Union, is such a result desirable? This question is addressed to the sober sense of the people of America. Would it be politic or advantageous? Would it contribute to the wealth, or grandeur, or happiness, of our country? On the contrary, would it not produce consequences directly the reverse? Are not the slaves unfit for freedom; notoriously ignorant, servile, and depraved? and would any rational man have them instantaneously transformed into freemen, with all the rights and privileges of American citizens? Are they capable of understanding correctly the nature of our Government, or exercising judiciously a single political right or privilege? Nay, would they even be capable of earning their own livelihood, or rearing their families independently by their own ingenuity and industry? What, then, would follow from their liberation, but the most deplorable state of society with which any civilized country was ever cursed? How would vice, and immorality, and licentiousness, overrun the land? How many jails and penitentiaries, that now seldom hold a prisoner, would be crowded to suffocation? How many fertile fields, that now yield regular and abundant harvests, would lie unoccupied and desolate? How would the foreign commerce of the South decline and disappear? How many thousands of seamen, of whom Southern agriculture is the very life, would be driven for support to foreign countries? And how large a portion of the federal revenue, derived from foreign commodities exchanged for Southern products, would be lost forever to this Government? And, in addition to all this, what would be the condition of Southern society, were all the slaves emancipated? Would the whites consent that the blacks should be placed upon a full footing of equality with them? Unquestionably not! Either the one class or the other would be forced to emigrate, and, in either case, the whole region of the South would be a scene of poverty and ruin. Or, what is still more probable, the blacks would every where be driven before the whites, as the Indians have been, until they were exterminated from the earth. And surely it is unnecessary to remark, that decay and desolation could not break down the South, without producing a corresponding depression upon the wealth and enterprise of the Northern States. And here let us ask, too, what would be the condition of the non-slaveholding States themselves, as regards the blacks? Are they prepared to receive myriads of negroes, and place them upon an equality with the free white laborers and mechanics, who constitute their pride and strength? Will the new States consent that their territory shall be occupied by negroes, instead of the enterprising, intelligent, and patriotic white population, which is daily seeking their borders from other portions of the Union? Shall the yeomanry of those States be surrounded by thousands of such beings, and the white laborer forced into competition and association with them? Are they to enjoy the same civil and political privileges as the free white citizens of the North and West, and to be admitted into the social circle as their friends and companions? Nothing less than all this will constitute perfect freedom; and the principles now maintained by those who advocate emancipation would, if carried out, necessarily produce this state of things! Yet, who believes that it would be tolerated for a moment? Already have laws been passed in several of the non-slaveholding States to exclude free blacks from a settlement within their limits; and a prospect of general and immediate abolition would compel them, in self-defence, to resort to a system of measures much more rigorous and effective than any which have yet been adopted. Driven from the South, then, the blacks would find no place of refuge in the North; and, as before remarked, utter extermination would be the probable if not the inevitable fate of the whole race. Where is the citizen, then, that can desire such results? Where the American who can contemplate them without emotion? Where the abolitionist that will not pause, in view of the direful consequences of his scheme, both to the whites and the blacks, to the North and the South, and to the whole Union at large?

Your committee deem it their duty to say that, in their opinion, the people of the South have been very unjustly censured in reference to slavery. It is not their purpose, however, to defend them. Their character, as men and citizens, needs no vindication from us. Wherever it is known it speaks for itself, nor would any wantonly traduce it, but those assassins of reputation who are also willing to be the destroyers of life. Exaggerated pictures have been drawn of the hardships of the slave, and every effort made to malign the South, and to enlist against it both the religious and political feeling of the North. Your committee cannot too strongly express their unanimous and unqualified disapprobation of all such movements. The constitution under which we live was framed by our common ancestors, to preserve the liberty and independence achieved by their united efforts in the council and the field. In all our contests with foreign enemies, the South has exhibited an unwavering attachment to the common cause. Where is the spot of which Americans are prouder than the plains of Yorktown? Or when was Britain more humbled, or America more honored, than by the victory of New Orleans? All our history, from the Revolution down, attests the high, and uniform, and devoted, patriotism of the South. Her domestic institutions are her own. They were brought into the Union with her, and secured by the compact which makes us one people; and he who would sow dissensions among members of the same great political family, by assailing the institutions and impugning the character of the citizens of the South, should be regarded as an enemy to the peace and prosperity of our common country.

If there is a feature by which the present age may be said to be characterized, it is that sickly sentimentality which, disregarding the pressing claims and wants of its own immediate neighborhood, or town, or State, wastes and dissipates itself in visionary, and often very mischievous, enterprises, for the imaginary benefit of remote communities. True philanthropy, rightly understood and properly applied, is one of the purest and most ennobling principles of our nature; but, misdirected or perverted, it degenerates into that fell spirit of fanaticism which disregards all ties, and tramples on all obstacles, however sacred or venerable, in the relentless prosecution of its horrid purposes. Experience proves, however, that, when individuals in one place, mistaking the true character of benevolence, rashly undertake, at the imminent hazard of conflict and convulsion, to remedy what they are pleased to consider evils and distresses in another, it is naturally regarded by those who are thus injured either as a species of madness which may be repelled or resisted, as any other madness may, or as manifesting a feeling of hostility on the one side, which must necessarily produce corresponding alienation on the other. It is all important, therefore, that the spirit of abolition, or, in other words, of illegal and officious interference with the domestic institutions of the South, should be arrested and put down; and men of intelligence and influence at the North should endeavor to produce that sound and rational state of public opinion which is equally due to the South and to the preservation of the Union.

And this brings your committee to the last position they have been instructed to sustain; and that is, that, in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia—

3dly. Because it would be dangerous to the Union.

The first great object enumerated in the constitution, as an inducement to its adoption, was to "form a more perfect union." At that time, all the States held slaves, to a greater or less extent; and slavery in the States was fully recognised and provided for, in many particulars, in that instrument itself. It was recognised, however, and all the provisions upon the subject so regarded it, as a State, and not a national, institution. At that time, too, as has been before remarked, the District of Columbia constituted an integral part of two of the independent States which became parties to the confederacy and to the constitution itself. Since that time an entire emancipation of slaves has taken place in several of the old States; but in all cases this has been the work of the States themselves, without any interference whatever by the Federal Government. New States have also been admitted into the Union, with an interdiction in their constitutions against involuntary servitude. In this way, the slave States have become a minority in representation in the Federal Legislature. Their interests, however, as States, in the institution of domestic slavery, as it exists within their limits, have not diminished, nor has their right to perfect security under the constitution, in reference to this description of property, been in any way, or to any degree, surrendered or impaired, since the adoption of that instrument by themselves and their sister States.

The operation of causes, to a great extent natural, and proceeding from climate, soil, and consequent production, has rendered slavery a local and sectional institution, and has thus added another to the most alarming apprehensions of patriots for the perpetuity of this Union—the apprehension of local and geographical interests and distinctions. How immensely important is it, then, that Congress should do no act, and assume no jurisdiction, in reference to this great interest, by which it shall ever appear to place itself in the attitude of a local, instead of a national, tribunal—a partial agent, providing for peculiar and sectional objects and feelings, instead of a general and paternal Legislature, equally and impartially promoting the general welfare of all the States. No one can fail to see that any other course on the part of Congress must weaken the confidence of the injured States in the federal authority, and, to the same extent, prove "dangerous to the Union."

Since the adoption of the federal constitution, the District of Columbia has been ceded to the United States as a seat of the Federal Government; but not only many eminent statesmen of the country, but all of the slaveholding States, speaking through their legislative assemblies, firmly believe and insist that the cession so made has conferred upon Congress no constitutional power to abolish slavery within the ceded territory. Your committee have abstained from an examination of this question, because they were not instructed to discuss it. But they have no hesitation to say that, in the view they have taken of the whole question, the obligations of Congress not to act on this subject are as fully binding and insuperable as a positive constitutional interdict, or an open acknowledgment of want of power.

Considering the subject in this light, your committee have already proved that any interference by Congress with the subject of slavery would be evidently calculated to injure the interests and disturb the peace of the slaveholding States; and if they have succeeded in establishing this position, no argument is necessary to show that such consequences, springing from the action of Congress as the local Legislature of the District, would eminently endanger the existence of this Union. It has also been shown that Congress, as the Legislature of the Union, can have no constitutional power over this subject; and that its powers, as a local Legislature of the District, were granted for the mere purpose of rendering its general powers perfect and free from conflict and collision with State authorities. It has also been shown that these local powers should be so exercised as to confer the greatest benefits upon the citizens residing within the District, with the least possible injury to the peculiar interests of any State, or the general interests of all the States. Your committee have also shown, as they think successfully, that the abolition of slavery in the District of Columbia would be a deep injury to the citizens of the District, and, therefore, a violation of the trust reposed in Congress as the local Legislature of the District; and, also, that it would inflict an incurable injury upon all the slaveholding States, and would, therefore, be an equal violation of the trust reposed in that body as the Legislature of the Union. If, then, they have established these positions, as they think they have, can any one doubt that the action contemplated would be "dangerous to the Union?" being directly calculated, as it would be, to weaken the confidence of the District in Congress, as a safe and faithful local Legislature, and the confidence of the slaveholding States as an impartial guardian of their interests.

Important as the Union is to each State, and to the whole American people, every one will admit that, as far as possible, strict impartiality and kind feelings to all the interests and all the sections of the country should characterize the action of the Federal Government. The Union was formed for the common and equal benefit of all the States, and for the perfect and equal protection of the rights and interests of all the citizens of all the States. Its only strength is in the confidence of the States, and of the people, that these great benefits will continue to be secured to them, and that these great purposes will be accomplished by its preservation. Any action, therefore, on the part of Congress, which shall weaken or destroy that confidence in any portion of our citizens, or in any State of the Union, must inevitably, to that extent, endanger the Union itself! Who can doubt this reasoning! Who does not know that the agitation of any question connected with domestic slavery, as it exists in this country, among any portion of our citizens, creates apprehension and excitement in the slaveholding States? Who does not know that the agitation of any such question in either branch of Congress shakes their confidence in the security of their most important interests, and, consequently, in the continuance to them of those great benefits, to secure which they became parties to the Union? Who, then, does not believe that any action by Congress, having for its object the abolition of slavery in any portion of the Union, however narrow or limited it may be, would necessarily impair the confidence of the slaveholding States in their security in relation to this description of property, put an end to all their hope of benefits to be derived to them from the further continuance of the Union, and alienate their affections from it? Were Congress, in a single instance, to suffer itself to be impelled, by mere feeling in one portion of the Union, to attempt a gratification of that feeling at the sacrifice of the dearest interests and most sacred rights of anothor portion, who can doubt that the Union would be seriously endangered, if not destroyed? But this conclusion does not depend upon reasoning alone. The evidences of public sentiment on this point are equally abundant and decisive. Your committee having already extended their report beyond the limits to which they could have wished to confine it, will enter into no details upon this portion of their duty. Suffice it to say that the Legislatures of several, if not all, the slaveholding States, have solemnly resolved that "Congress has no constitutional authority to abolish slavery in the District of Columbia." It would be utterly impossible, therefore, that any such attempt should be made by Congress, without producing an excitement, and involving consequences, which no patriot can contemplate without the most painful emotions. It would be regarded by the slaveholding States as an entering wedge to a scheme of general emancipation, and, therefore, tend to produce the same results, in relation to the Federal Government and the Union, that would be produced by the adoption of any measure directly affecting the domestic institutions of the States themselves. Your committee will not dwell upon the picture that is thus presented to their minds. The reflection it excites is one of mingled bitterness and horror. It is one, they trust, which is never to be realized. Looking upon their beloved country, as it now stands, the envy and admiration of the world; contemplating, as they do, that unrivalled constitution, by which a beauteous family of confederated States, each independent in its own separate sphere, revolve around a federal head with all the harmony and regularity of the planetary system; and knowing, as they do, that, under the beneficent influence of our free institutions, the people of this country enjoy a degree of liberty, prosperity, and happiness, not only unpossessed, but scarcely imagined, by any other upon earth; they cannot and will not advert to the horrors or depict the consequences of that most awful day, when the sun of American freedom shall go down in blood, and nothing remain of this glorious republic but the bleeding, scattered, and dishonored, fragments. It would, indeed, be the extinction of the world's last hope, and the jubilee of tyranny over all the earth!

But your committee feel that, with these painful impressions on their minds, they would but imperfectly discharge their duty if they did not make an earnest appeal to the patriotism of the American people to sustain the resolution adopted by the House. And they would also appeal to the good sense and good feelings of that portion of the abolitionists who, acting under a mistaken sense of moral and religious duty, have embarked in this crusade against the South, solemnly invoking them, in the name of our common country, to abstain from a system of agitation which has not only failed, and will always fail, to attain its objects, but has even brought the Union itself into a state of imminent and fearful peril. It is confidently believed that this appeal will not be made in vain, and that hereafter all who truly love their country will manifest their patriotism by avoiding this unhappy cause of discord and disunion; and that they will make no further exertions upon a subject, from the continued agitation of which nothing but augmented evils can result.

Your committee conclude by reporting the following resolutions, conformably to the instructions given them by the House:

Resolved, That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy.

Resolved, That Congress ought not to interfere, in any way, with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without either being printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

LAWS OF THE UNITED STATES,

OF

A PUBLIC NATURE,

PASSED AT THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS, COMMENCING DECEMBER 7, 1835, AND ENDING JULY 4, 1836.

[No. 1.]—**AN ACT** making an appropriation for repressing hostilities commenced by the Seminole Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and twenty thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses attending the suppression of hostilities with the Seminole Indians in Florida, to be expended under the direction of the Secretary of War, conformably to the provisions of the act of April fifth, eighteen hundred and thirty-two, making appropriations for the support of the Army.

JAMES K. POLK,
Speaker of the House of Representatives.
M. VAN BUREN,
Vice President of the U. States and President of the Senate.

Approved, January 14, 1836.

ANDREW JACKSON.

[No. 2.]—**AN ACT** making an additional appropriation for repressing hostilities commenced by the Seminole Indians.

Be it enacted, &c. That the sum of five hundred thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, in addition to a former appropriation, to defray the expenses attending the suppression of hostilities with the Seminole Indians in Florida: to be expended in the manner provided for in the act approved January fourteenth, eighteen hundred and thirty-six, entitled "An act making an appropriation for repressing hostilities commenced by the Seminole Indians."

Approved, January 29, 1836.

[No. 1.]—**RESOLUTION** authorizing the President to furnish rations to certain inhabitants of Florida.

Be it resolved, &c. That the President of the United States be authorized to cause rations to be delivered from the public stores to the unfortunate sufferers who are unable to provide for themselves, and who have been driven from their homes by Indian depredations in Florida, until they can [be] re-established in their possessions, or so long as the President may consider it necessary.

Approved, February 1, 1836.

[No. 3.]—**AN ACT** making appropriations, in part, for the support of Government, for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz.

For pay and mileage to members of Congress and Delegates, five hundred and fifty-six thousand four hundred and eighty dollars.

For pay of the officers and clerks of the Senate and House of Representatives, thirty-three thousand seven hundred dollars.

For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, fifty-three thousand seven hundred dollars.

For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, two hundred thousand dollars.

The said two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

Approved, February 11, 1836.

[No. 4.]—**AN ACT** authorizing a special term of the Court of Appeals for the Territory of Florida, and for other purposes.

Be it enacted, &c. That a special term of the court of appeals for the Territory of Florida shall be holden at Tallahassee, the seat of Government of said Territory, on the first Monday in May next, and all appeals, writs of error, motions, and suits, depending or returnable to the last January term, shall be heard and decided at the special term herein appointed, in the same manner as they might have been under the existing laws if the January term had been holden according to law.

Sec. 2. *Be it further enacted,* That when, by the death, sickness, or inability to attend, of any of the judges, or for any other cause, the regular terms of said court shall not be holden, it shall and may be lawful for the judges thereof to appoint a special term.

Sec. 3. *Be it further enacted,* That the county of Franklin, in the Territory of Florida, shall be added to, and form a part of, the middle judicial district of said Territory, and it shall be the duty of the judge of said middle district to hold two regular terms of the superior court, at the town of Appalachicola, commencing on the second Mondays of April and November, and special terms at such other periods as may be required by business, and not interfere with the business of said court in other counties.

Sec. 4. *Be it further enacted,* That there shall only be one term of the superior court holden for the counties of Madison and Hamilton, in each year.

Approved, February 25, 1836.

[No. 5.]—**AN ACT** for the relief of the sufferers by the fire in the city of New York.

Be it enacted, &c. That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interest of the United States, to cause to be extended [with the assent of the sureties thereon] to all persons who have suffered loss of property by the conflagration at that place, on the sixteenth day of December last, by the burning of their buildings or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal instalments from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively, payable in equal instalments, in three, four, and five years from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorized and directed to give up or cancel all such bonds, upon the receipt of others described in this section; which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties to the United States, and shall have the same force and validity: *Provided,* That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded, if not previously put into bank to the credit of the Treasurer of the United States: *And provided, also,* That the benefits of this section shall not be extended to any person whose loss shall not be proved to the satisfaction of the collector to have exceeded the sum of one thousand dollars.

Sec. 2. *And be it further enacted,* That the collector of the port of New York is hereby authorized and directed to extend the payments, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section as aforesaid, for six, nine, and twelve months from and after the date of payment specified in the bonds; which bonds, when executed agreeably to the provisions of this section, shall be payable with interest, at the rate of five per centum per annum, which interest shall be computed from the times the respective bonds would have fallen due, if this act had not passed: *Provided, however,* That nothing contained in this act shall extend to bonds which had fallen due before the 17th day of December last: *Provided, also,* That if, in the opinion of the collector aforesaid, any of the bonds which may be given under this act, or the payment of which may be postponed, shall, at any time, be insecure, it shall be the duty of the said collector to require such additional security as shall be satisfactory to him, and on the failure of such additional security being furnished, the payment of such bond shall be enforced forthwith.

Approved, March 19, 1836.

[No. 6.]—AN ACT authorizing the Secretary of War to transfer a part of the appropriation for the suppression of Indian hostilities in Florida to the credit of subsistence.

Be it enacted, &c. That the Secretary of War is hereby authorized to transfer so much of the appropriation for the suppression of Indian hostilities in Florida to the credit of subsistence as may have been taken from the latter fund for the former purpose.

Approved, March 19, 1836.

[No. 7.]—AN ACT to provide for the payment of volunteers and militia corps in the service of the United States.

Be it enacted, &c. That the officers, non-commissioned officers, musicians, artificers, and privates of volunteer and militia corps, who have been in the service of the United States at any time since the first day of November, in the year of our Lord one thousand eight hundred and thirty-five, or may hereafter be in the service of the United States, shall be entitled to and receive the same monthly pay, rations, clothing, or money in lieu thereof, and forage, and be furnished with the same camp equipage, including knapsacks, as are or may be provided by law for the officers, musicians, artificers, and privates of the infantry of the Army of the United States.

Sec. 2. *And be it further enacted,* That the officers of all mounted companies who have been in, or may hereafter be in, the service of the United States, each, shall be entitled to receive forage, or money in lieu thereof, for two horses when they actually keep private servants, and for one horse when without private servants, and that forty cents per day be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. That each non-commissioned officer, musician, artificer, and private of all mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same shall be furnished by himself, or twelve and a half cents per day for either, as the case may be.

Sec. 3. *And be it further enacted,* That the officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and other allowances, for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

Sec. 4. *And be it further enacted,* That the volunteers or militia, who have been or who may be received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

Sec. 5. *And be it further enacted,* That when any officer, non-commissioned officer, artificer, or private, of said militia or volunteer corps, who shall die in the service of the United States, or returning to his place of residence, after being mustered out of service, or at any time in consequence of wounds received in service, and shall leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of said decedent: *Provided, always,* That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe.

Sec. 6. *And be it further enacted,* That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are directed to be paid, shall embrace those only ordered into service by the commanding General or Governors of States, and of the Territory of Florida, under authority from the War Department, for repressing the hostilities of the Florida Indians.

Approved, March 19, 1836.

[No. 2.]—RESOLUTION to establish certain post roads in Missouri and Arkansas.

Resolved, &c. That the Postmaster General be, and he is hereby, authorized to establish the following post roads: From Fort Towson, in the Territory of Arkansas, to Fort Gibson, and from Fort Gibson, by Fayette, in Arkansas Territory, Barry Court-house, Van Buren Court-house, Jackson Court-house, Fort Leavenworth, Liberty, in Clay county, Plattsburg, in Clinton county, Fort Des Moines, to the town of Dubuque, on the Mississippi river. And the same shall be continued until otherwise provided for by law.

Approved, March 19, 1836.

[No. 8.]—AN ACT making a further appropriation for the suppression of Indian hostilities in Florida.

Be it enacted, &c. That the sum of five hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in addition to former appropriations, for suppressing Indian hostilities in Florida.

Approved, April 1, 1836.

[No. 9.]—AN ACT amendatory of "the act for the relief of the sufferers by fire in the city of New York," passed March 19, 1836.

Be it enacted, &c. That the operation of the act entitled "An act for the relief of the sufferers by fire in the city of New York," passed the nineteenth day of March last past, shall be, and hereby is, limited and confined exclusively to such bonds of the description set forth in said act, as were made and entered into at the custom-house in the city of New York prior to the sixteenth day of December last past.

Approved April 5, 1836.

[No. 10.]—AN ACT to suspend the operation of the second proviso, third section of "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-five."

Be it enacted, &c. That so much of the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year 1835," as provides "that the whole number of custom-house officers in the United States, on the 1st of January, 1834, shall not be increased until otherwise allowed by Congress," be, and the same is hereby, suspended to the end of the present session of Congress.

Appreved, April 9 1836.

[No. 11.]—AN ACT to repeal so much of the act entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," as requires the Bank of the United States to perform the duties of Commissioner of Loans for the several States.

Be it enacted, &c. That the first, second, and third sections of the act entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," passed March third, eighteen hundred and seventeen, be, and the same are hereby, repealed; and the Bank of the United States and its several branches, and such State banks employed under the provisions of said act by the Bank of the United States, as have heretofore done and performed, or are now doing and performing, the duties of Commissioner of Loans, shall be, and they are hereby, required to transmit to the Secretary of the Treasury, immediately after the passing of this act, all the books, papers, and records in their possession relating to their duties as Commissioners of Loans.

Sec. 2. *And be it further enacted,* That the Bank of the United States and its several branches, and the State banks employed by the Bank of the United States, performing the duties of Commissioners of Loans, shall be, and they are hereby, required to pay into the Treasury of the United States, within three months after the passing of this act, all the money in their possession for the redemption of the public debt of the United States, and the interest thereon remaining in their hands, which has not been applied for by the person or persons entitled to receive the same.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to pay over to the person or persons entitled to receive the same, the amount so received into the Treasury by virtue of the second section of this act, out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted,* That nothing contained in this act shall be construed to authorize the appointment of a Commissioner or Commissioners of Loans in any State, District, or Territory of the United States.

Approved, April 11, 1836.

[No. 12.]—AN ACT making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-six.

For the revolutionary pensioners under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight, the seventh of June, one thousand eight hundred and thirty-two, and the fifth of July, one thousand eight hundred and thirty-two, in addition to an unexpended balance of three hundred and thirty-five thousand three hundred and ninety-five dollars and seventy-five cents, the sum of three hundred and forty-seven thousand six hundred and twenty-nine dollars.

For the invalid pensioners under various laws, in addition to an unexpended balance of two hundred and one thousand seven hundred and twenty-one dollars and twenty-seven cents, one hundred and five thousand eight hundred and twenty-five dollars.

For pensions to widows and orphans, payable through the office of the Third Auditor, in addition to the unexpended balance of two thousand one hundred and ninety-five dollars and twenty-two cents, two thousand dollars.

Sec. 2. *And be it further enacted,* That hereafter no bank notes of less denomination than ten dollars, and that from and after the third day of March, Anno Domini eighteen hundred and thirty-seven, no bank notes of less denomination than twenty dollars, shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department, nor shall any bank note of any denomination be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided,* That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the United States.

Approved, July 4, 1836.

[No. 13.]—AN ACT to carry into effect the treaties concluded by the Chickasaw tribe of Indians on the twentieth October, eighteen hundred and thirty-two, and the twenty-fourth May, eighteen hundred and thirty-four.

Be it enacted, &c. That all moneys received from the sale of lands under stipulations of the treaties with the Chickasaw Indians of the twentieth of October, eighteen hundred and thirty-two, and the twenty-fourth of May, eighteen hundred and thirty-four, shall be paid into the Treasury of the United States, in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Sec. 2. *And be it further enacted,* That all payments required to be made, and all moneys required to be vested by the said treaty, are hereby appropriated in conformity to it, and shall be drawn from the Treasury, as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Sec. 3. *And be it further enacted,* That all investments of stock required by the said treaty shall be made under the direction of the President; and the special account of the funds under the said treaty shall be kept at the Treasury, and a statement thereof shall be annually laid before Congress, and the sum of one hundred and fifty thousand dollars, heretofore appropriated, agreeably to the said treaty, and to aid in its fulfilment, shall be refunded to the Treasury as soon as funds sufficient therefor are received from the sale of the said lands.

Approved, April 20, 1836.

[No. 14.]—AN ACT establishing the Territorial Government of Wisconsin.

Be it enacted, &c. That from and after the third day of July next, the country included within the following boundaries shall constitute a separate Territory for the purposes of temporary government, by the name of Wisconsin, that is to say: Bounded on the east by a line drawn from the northeast corner of the State of Illinois, through the middle of Lake Michigan, to a point in the middle of said lake, and opposite the main channel of Green Bay, and through said channel and Green Bay to the mouth of the Menominee river; thence through the middle of the main channel of said river, to that head of said river nearest to the Lake of the Desert; thence in a direct line to the middle of said lake; thence through the middle of the main channel of the Montreal river, to its mouth; thence with a direct line across Lake Superior, to where the territorial line of the United States last touches said lake northwest; thence on the north, with the said territorial line, to the White-earth river; on the west, by a line from the said boundary line, following down the middle of the main channel of White-earth river, to the Missouri river, and down the middle of the main channel of the Missouri river to a point due west from the northwest corner of the State of Missouri; and on the south from said point, due east to the northwest corner of the State of Missouri; and thence with the boundaries of the States of Missouri and Illinois, as already fixed by acts of Congress. And after the said third day of July next, all power and authority of the Government of Michigan, in and over the Territory hereby constituted, shall cease: *Provided,* That nothing in this act contained shall be construed to impair the rights of persons or property now appertaining to any Indians within the said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to impair the obligations of any treaty now existing between the United States and such Indians, or to impair or any wise to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, or law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided,* That nothing in this act shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories, in such manner, and at such times, as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

Sec. 2. *And be it further enacted,* That the Executive power and authority in and over the said Territory shall be vested in a Governor, who shall hold his office for three years, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory; shall be commander-in-chief of the militia thereof; shall perform the duties and receive the emoluments of Superintendent of Indian Affairs, and shall approve of all laws passed by the Legislative Assembly, before they shall take effect; he may grant pardons for offences against the laws of the said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Sec. 3. *And be it further enacted,* That there shall be a Secretary of the said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings on or before the first Monday in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the Governor during such vacancy or necessary absence.

Sec. 4. *And be it further enacted,* That the legislative power shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualification of voters as hereinafter prescribed, whose term of service shall continue four years. The House of Representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for the members of the Council, and whose term of service shall continue two years. An apportionment shall be made, as nearly equal as practicable, among the several counties, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the said members of the Council and House of Representatives shall reside in, and be inhabitants of, the district for which they may be elected. Previous to the first election, the Governor of the Territory shall cause the census or enumeration of the inhabitants of the several counties in the Territory to be taken and made by the sheriffs of the said counties, respectively, and returns thereof made by said sheriffs to the Governor. The first election shall be held at such time and place, and be conducted in such manner, as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties is entitled under this act. The number of persons authorized to be elected having the greatest number of votes in each of the said counties for the Council, shall be declared, by the said Governor, to be duly elected to the said Council; and the person or persons having the greatest number of votes for the House of Representatives, equal to the number to which each county may be entitled, shall also be declared, by the Governor, to be duly elected: *Provided*, The Governor shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place on such day as he shall appoint; but, thereafter, the time, place, and manner of holding and conducting all elections by the People, and the apportioning the representation in the several counties to the Council and House of Representatives, according to population, shall be prescribed by law, as well as the day of the annual commencement of the session of the said Legislative Assembly; but no session, in any year, shall exceed the term of seventy-five days.

Sec. 5. *And be it further enacted*, That every free white male citizen of the United States above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters at all subsequent elections shall be such as shall be determined by the Legislative Assembly: *Provided*, That the right of suffrage shall be exercised only by citizens of the United States.

Sec. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws of the Governor and Legislative Assembly shall be submitted to, and, if disapproved by the Congress of the United States, the same shall be null and of no effect.

Sec. 7. *And be it further enacted*, That all township officers, and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of courts, shall be elected by the People, in such manner as may be provided by the Governor and Legislative Assembly. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, shall appoint, all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for. Vacancies occurring in the recess of the Council shall be filled by appointments from the Governor, which shall expire at the end of the next session of the Legislative Assembly; but the said Governor may appoint, in the first instance, the aforesaid officers, who shall hold their offices until the end of the next session of the Legislative Assembly.

Sec. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold or be appointed to any office created, or the salary or emoluments of which shall have been increased whilst he was a member, during the term for which he shall have been elected, and for one year after the expiration of such term; and no person holding a commission under the United States, or any of its officers, except as a militia officer, shall be a member of the said Council, or shall hold any office under the Government of the said Territory.

Sec. 9. *And be it further enacted*, That the judicial power of the said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate judges, any two of whom shall be a quorum, and who shall hold a term at the seat of Government of the said Territory, annually, and they shall hold their offices during good behavior. The said Territory shall be divided into three judicial districts; and a district court or courts shall be held in each of the three districts, by one of the judges of the supreme court, at such times and places as may be prescribed by law. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of the justices of the peace, shall be as limited by law: *Provided, however*, That justices of the peace shall not have jurisdiction of any matter of controversy, where the title or boundaries of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars. And the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court shall appoint its clerk, who shall keep his office at the place where the court may be held, and the said clerks shall also be the registers in chancery; and any vacancy in said office of clerk happening in the vacation of said court may be filled by the judge of said district, which appointment shall continue until the next term of said court. And writs of error, bills of exception, and appeals in chancery causes, shall be allowed in all cases, from the final decisions of the said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall a trial by jury be allowed in said court. The supreme court may appoint its own clerk, and every clerk shall hold his office at the pleasure of the court by which he shall have been appointed. And writs of error and appeals from the final decisions of the said supreme court shall be allowed and taken to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars. And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States. And the first six days of every term of the said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws. And writs of error, and appeals from the final decisions of the said courts, in all such cases shall be made to the supreme court of the Territory, in the same manner as in other cases. The said clerks shall receive in all such cases the same fees which the clerk of the District Court of the United States in the northern district of the State of New York receives for similar services.

Sec. 10. *And be it further enacted*, That there shall be an Attorney for the said Territory appointed, who shall continue in office four years, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the Michigan Territory. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the Marshal of the district court of the United States for the northern district of the State of New York; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services.

Sec. 11. *And be it further enacted*, That the Governor, Secretary, Chief Justice and Associate Judges, Attorney, and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary, to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before some judge or justice of the peace in the existing Territory of Michigan, duly commissioned and qualified to administer an oath or affirmation to support the Constitution of the United States, and for the faithful discharge of the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken, and such certificate shall be received and recorded by the said Secretary among the executive proceedings. And, afterwards, the Chief Justice and Associate Judges, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some judge or justice of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars for his services as Governor and as superintendent of Indian affairs. The said Chief Justice and Associate Judges shall each receive an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of twelve hundred dollars. The said salaries shall be paid quarter-yearly, at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually-travelled route. There shall be appropriated, annually, the sum of three hundred and fifty dollars, to be expended by the Governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly; the printing of the laws and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Sec. 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages, granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of the compact contained in the ordinance for the Government of the said Territory, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of the said Territory. The said inhabitants shall also be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Michigan, and to its inhabitants, and the existing laws of the Territory of Michigan shall be extended over said Territory, so far as the same be incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Wisconsin; and, further, the laws of the United States are hereby extended over, and shall be in force in, said Territory, so far as the same, or any provisions thereof, may be applicable.

Sec. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Wisconsin shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to locate and establish the seat of Government for said Territory, at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And twenty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, is hereby given to the said Territory, which shall be applied by the Governor and Legislative Assembly to defray the expenses of erecting public buildings at the seat of Government.

Sec. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the delegates from the several Territories of the United States to the said House of Representatives. The first election shall be held at such time and place or places, and be conducted in such manner, as the Governor shall appoint and direct. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected.

Sec. 15. *And be it further enacted*, That all suits, process, and proceedings, and all indictments and informations which shall be undetermined on the third day of July next, in the courts held by the additional judge for the Michigan Territory, in the counties of Brown and Iowa; and all suits, process, and proceedings, and all indictments and informations which shall be undetermined on the said third day of July, in the county courts of the several counties of Crawford, Brown, Iowa, DuBuque, Milwalkee, and Des Moines, shall be transferred to be heard, tried, prosecuted, and determined, in the district courts hereby established, which may include the said counties.

Sec. 16. *And be it further enacted*, That all causes which shall have been or may be removed from the courts held by the additional judge for the Michigan Territory, in the counties of Brown and Iowa, by appeal or otherwise, into the supreme court for the Territory of Michigan, and which shall be undetermined therein on the third day of July next, shall be certified by the clerk of the said supreme court, and transferred to the supreme court of said Territory of Wisconsin, there to be proceeded in to final determination, in the same manner that they might have been in the said supreme court of the Territory of Michigan.

Sec. 17. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Legislative Assembly of said Territory, in the purchase of a library for the accommodation of said Assembly, and of the supreme court hereby established.

Approved, April 20, 1836.

[No. 15.]—AN ACT in addition to the act of the twenty-fourth of May, one thousand eight hundred and twenty-eight, entitled "An act to authorize the licensing of vessels to be employed in the mackerel fishery."

Be it enacted, &c. That vessels duly licensed under the provisions of "An act to authorize the licensing of vessels to be employed in the mackerel fishery," passed May twenty-fourth, one thousand eight hundred and twenty-eight, shall not be deemed or taken to be liable to the forfeitures imposed by the fifth and thirty-second sections of the act of Congress, approved the eighteenth day of February, one thousand seven hundred and ninety-three, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," in consequence of any such vessel, whilst licensed as aforesaid, having been engaged in catching cod, or fish of any other description whatever: *Provided, however*, That this act shall not be deemed or considered as authorizing or entitling the owner or owners of any vessel licensed for the mackerel fishery, to receive the bounty allowed by law to vessels employed in the cod fishery.

Approved, April 20, 1836.

[No. 16.]—AN ACT to prescribe the mode of paying pensions heretofore granted by the United States.

Be it enacted, &c. That all laws and parts of laws, authorizing or requiring the Bank of the United States or its branches to pay any pensions granted under the authority of the United States, shall be, and the same are hereby, repealed, and such payments shall be hereafter made, at such times and places, by such persons or corporations, and under such regulations, as the Secretary of War may direct; but no compensation or allowance shall be made to such persons or corporations for making such payments, without authority of law.

Approved, 20th April, 1836.

[No. 17.]—AN ACT making a further appropriation for suppressing Indian hostilities in Florida.

Be it enacted, &c. That the sum of one million of dollars be, and the same is hereby, appropriated, in addition to former appropriations, for suppressing Indian hostilities in Florida, and that the same shall be expended in the manner already provided for by law.

Approved, April 29, 1836.

[No. 18.]—AN ACT to authorize the construction of a railroad through the lands of the United States, in Springfield, Massachusetts.

Be it enacted, &c. That the Western railroad corporation be, and they are hereby, authorized to construct a railroad on lands belonging to the United States, in Springfield, Massachusetts, and take for the security and accommodation of said railroad, or the accommodation of the business thereof, a strip of land through or over the said land of the United States, not exceeding eighty feet in width: *Provided*, That the location of said railroad through said land of the United States shall be submitted to, and approved by the Secretary of War, prior to the construction thereof: *And provided, also*, That whenever said strip of land shall cease to be improved for the purpose of a railroad, or the accommodation of the business thereof, the same shall revert to the United States.

Approved, April 29, 1836.

[No. 13.]—AN ACT making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz.

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars.

For clerks and messengers in the office of the Secretary of State, nineteen thousand four hundred dollars.

For clerks, machinist, and messenger in the Patent Office, five thousand four hundred dollars.

For incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws, twenty-five thousand dollars.

For contingent and incidental expenses of the Patent Office, two thousand dollars.

For the superintendent and watchmen of the northeast executive building, one thousand five hundred dollars.

For contingent expenses of said building, including fuel, labor, oil, repairs of the buildings, three thousand three hundred and fifty dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, fourteen thousand dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messengers in the office of the First Comptroller, eighteen thousand eight hundred and fifty dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Comptroller, ten thousand four hundred and fifty dollars

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the First Auditor, fourteen thousand nine hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-seven thousand and fifty dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Fourth Auditor, seventeen thousand seven hundred and fifty dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Fifth Auditor, twelve thousand eight hundred dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks and messenger in the office of the Treasurer of the United States, seven thousand one hundred and fifty dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks and messengers in the office of the Commissioner of the General Land Office, twenty thousand five hundred dollars.

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars.

For compensation to the Secretary to the Commissioners of the Sinking Fund, to the seventh of February, eighteen hundred and thirty-six, two hundred and fifty dollars.

For the expenses of stationery, printing, and all other incidental and contingent expenses of the several offices of the Treasury Department, the following sums, viz.

For the office of the Secretary of the Treasury, including copying, and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars.

For the office of the First Comptroller, one thousand five hundred dollars.

For the office of the Second Comptroller, one thousand five hundred dollars.

For the office of the First Auditor, eight hundred dollars.

For the office of the Second Auditor, five hundred dollars.

For the office of the Third Auditor, six hundred dollars.

For the office of the Fourth Auditor, one thousand dollars.

For the office of the Fifth Auditor, one thousand dollars.

For the office of the Treasurer of the United States, seven hundred dollars.

For the office of the Register of the Treasury, three thousand dollars.

For the office of the Solicitor of the Treasury, one thousand dollars.

For the office of the Commissioner of the General Land Office, for two hundred thousand parchments, cost of printing patents, and cost of books for patent records, thirty-nine thousand dollars.

For tract books, other articles of books and stationery, furniture, advertising, and all other items of contingent expenses, including office rent for additional rooms required for writing patents, nine thousand five hundred dollars.

For translations, and for expenses of passports and sea-letters, three hundred dollars.

For stating and printing the public accounts for the year one thousand eight hundred and thirty-five, one thousand four hundred dollars.

For compensation of superintendent and watchmen of the buildings occupied by the Treasury Department, the sum of two thousand one hundred dollars.

For incidental and contingent expenses of said buildings, including fuel, labor, oil, repairs, furniture, and for rent, amounting to three thousand seven hundred and fifty dollars, ten thousand dollars.

For compensation to the clerks and messengers in the office of the Secretary of War, twelve thousand six hundred and fifty dollars.

For compensation to extra clerks when employed in said office, three thousand six hundred dollars.

For contingent expenses of the office of the Secretary of War, three thousand dollars.

For books, maps, and plans for the War Department, one thousand dollars.

For messenger in the Bounty Land Bureau, four hundred dollars.

For compensation to the Commissioner of Indian Affairs, three thousand dollars.

For compensation to the clerks and messenger in the office of Indian Affairs, four thousand nine hundred and fifty dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerks and messenger in the office of the Paymaster General, four thousand six hundred dollars.

For contingent expenses of said office, three hundred dollars.

For compensation to the clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars.

For compensation to the clerks in the office of the Adjutant General, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For contingent expenses of the office of the Quartermaster General, six hundred dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, three thousand eight hundred dollars.

For contingent expenses of said office, including printing advertisements, two thousand five hundred dollars.

For compensation to the clerks in the office of the Chief Engineer, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For compensation to the clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerk in the office of the Surgeon General, eleven hundred and fifty dollars.

For contingent expenses of said office, four hundred dollars.

For contingent expenses of the Topographical Bureau, one thousand two hundred and thirty-five dollars.

For compensation to clerk in said Bureau, one thousand dollars.

For the salary of the Commissioner of Pensions, two thousand five hundred dollars.

For salaries of clerks transferred from the office of the Secretary of War, four thousand eight hundred dollars.

For messengers in the Pension Office, one thousand two hundred and fifty dollars.

For contingent expenses in the office of the Commissioner of Pensions, five thousand five hundred dollars.

For the salary of the superintendent and watchmen of the northwest executive building, twelve hundred and fifty dollars.

For the salaries of two additional watchmen, to assist in watching the buildings of the War Department, and the additional houses occupied by officers thereof, including one hundred and twenty-five dollars for the services of those employed in eighteen hundred and thirty-five, one thousand one hundred and twenty-five dollars.

For the contingent expenses of said building, including fuel, labor, oil, furniture, repairs of building, three thousand one hundred and eighty-three dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Navy, eleven thousand eight hundred and fifty dollars.

For the contingent expenses of the office of the Secretary of the Navy, three thousand dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks, draughtsman, and messenger, in the office of the Commissioners of the Navy Board, seven thousand five hundred and fifty dollars.

For contingent expenses of the office of the Commissioners of the Navy Board, one thousand eight hundred dollars.

For the salary of the superintendent of the southwest executive building, and the watchmen, one thousand two hundred and fifty dollars.

For contingent expenses of said building, including fuel, labor, oil, repairs, engines, and improvement of the grounds, three thousand three hundred and fifty dollars.

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks and messengers in the office of the Postmaster General, forty thousand three hundred and fifty dollars.

For contingent expenses of said office, seven thousand five hundred dollars.

For superintendency of the buildings, making up blanks, and compensation to two watchmen and one laborer, sixteen hundred and forty dollars.

For additional clerk hire for the year eighteen hundred and thirty-five, forty-one thousand nine hundred and thirty-four dollars and seven cents.

For the services of a topographer and map maker for obtaining materials and drawing maps of the several States and Territories, one thousand dollars.

For compensation to the Surveyor General in Ohio, Indiana, and Michigan, two thousand dollars.

For compensation to the Surveyor in Illinois and Missouri, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the Surveyor General in Arkansas, one thousand five hundred dollars.

For compensation to clerks in said office, one thousand eight hundred dollars.

For compensation to the Surveyor in Louisiana two thousand dollars.

For compensation to the clerks in the office of said surveyor, fifteen hundred dollars.

For compensation to the Surveyor in Mississippi, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand dollars.

For compensation to the Surveyor in Alabama, one thousand five hundred dollars.

For compensation to the Surveyor in Florida, two thousand dollars.

For compensation to the Secretary appointed by the President to sign all patents for lands sold or granted under the authority of the United States, per the act of second of March, eighteen hundred and thirty-three, one thousand five hundred dollars.

For compensation to the Commissioner of Public Buildings in Washington City, two thousand dollars.

For the purchase of books for the Library of Congress, five thousand dollars.

For salary of the principal and assistant Librarians, and for contingent expenses of the Library and pay of messenger, three thousand eight hundred and fifty dollars.

For services rendered by Charles N. W. Meehan, an assistant in Library, at one dollar and fifty cents per diem, Sundays excepted, during the sitting of Congress, from December second, eighteen hundred and thirty-three, to March fourth, eighteen hundred and thirty-five, three hundred and ninety-eight dollars.

For compensation to the officers and clerks of the Mint, thirteen thousand nine hundred dollars.

For compensation to laborers employed in the various operations of the Mint, twenty-one thousand dollars.

For incidental and contingent expenses and repairs, wastage, cost of machinery, for allowance for wastage in gold and silver coinage of the Mint, including sixteen thousand dollars for arrearages in eighteen hundred and thirty-five, fifty-one thousand one hundred dollars.

For expenses incident to the introduction of new machinery and apparatus, including the application of steam power to coinage, and improvements in the melting and refining department, twenty thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, ten thousand dollars.

For contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council, pay of the officers of the Council, fuel, stationery, and printing, six thousand four hundred and twenty-five dollars.

For arrearages of the expenses of the Legislative Council of the Territory of Michigan, for eighteen hundred and thirty-five, in addition to an unexpended balance of appropriation of eighteen hundred and seventy dollars and ninety-five cents, three thousand five hundred and fifty-three dollars and forty cents.

For compensation to the Governor, Judges, and Secretary of the Arkansas Territory, nine thousand dollars.

For contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council of the Territory of Arkansas, including fuel, stationery, printing, and distribution of the laws and journals, ten thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Florida Territory, eleven thousand and seven hundred dollars.

For the contingent expenses of the Florida Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council of Florida, pay of officers and servants of the Council, fuel, stationery, printing, and incidental expenses, nine thousand four hundred and six dollars.

For arrearages of the expenses of the Legislative Council of Florida, nine hundred and eighty dollars and sixty cents.

For allowances to the Assistant Counsel and District Attorney, under the acts for the settlement of private land claims in Florida, four thousand dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges of the United States, eighty-one thousand four hundred dollars.

For the expenses of printing the records of the Supreme Court of the United States for the term of eighteen hundred and thirty-six, three thousand dollars.

For the salaries of the Chief Justice and Associate Judges of the District of Columbia, and of the Judges of the Orphans' Courts of the said District, nine thousand five hundred dollars.

For compensation to the Attorney General of the United States, four thousand dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For a messenger in said office, five hundred dollars.

For contingent expenses of said office, five hundred dollars.

For compensation to the Reporter of the Decisions of the Supreme Court, one thousand dollars.

For compensation to the District Attorneys and Marshals, as granted by law, including those in the several Territories, twelve thousand nine hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty-six, and preceding years; and, likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe keeping of prisoners, three hundred and forty-five thousand dollars.

For the payment of sundry pensions, granted by special acts of Congress, one thousand three hundred and fifty dollars.

For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, keepers' salaries, repairs and improvements, and contingent expenses, two hundred and seventy-nine thousand nine hundred and eighty-six dollars and seven cents.

For a light-house on a proper site at or near Michigan city, Indiana, in addition to a former appropriation, made thirtieth June, eighteen hundred and thirty-four, three thousand dollars.

For a light-house on a proper site at Pottawatamie island, at the entrance of Green bay, in Lake Michigan, in addition to a former appropriation, made thirtieth June, eighteen hundred and thirty-four, three thousand dollars.

For a light-house or beacon light on one of the piers at the harbor of Oswego, on Lake Ontario, in addition to former appropriations, twelve hundred dollars.

For the removal of the light-house now on the north end of Goat island, near the harbor of Newport, Rhode Island, in addition to former appropriations, eight thousand seven hundred dollars.

For erecting a frame building for a beacon light, at the end of west pier, at the mouth of Black river, Ohio, two thousand six hundred dollars.

For finishing and securing the foundation of the beacon light at Cunningham creek, Ohio, two hundred and twenty-five dollars and fifty cents.

To make good a deficiency in the funds for the relief of sick and disabled seamen, as established by the acts of sixteenth July, seventeen hundred and ninety-eight, and third May, eighteen hundred and two, fifteen thousand dollars.

For expense in relation to the relief of certain insolvent debtors of the United States, under the act of seventh of June, eighteen hundred and thirty-four, three thousand dollars.

For surveying the public lands in Ohio, six hundred and fifty dollars.

For surveying the public lands in the Michigan peninsula, fifteen thousand dollars.

For surveying the public lands in Michigan Territory, west of the lake, and in Wisconsin Territory, fifty thousand dollars.

For surveying the public lands in Illinois and Missouri, forty thousand dollars.

For surveying the public lands in Mississippi, ten thousand dollars.

For surveys south of the thirty-first degree of north latitude, by the Surveyor General of Alabama, twenty-five hundred dollars.

For survey of the Creek lands, one thousand dollars.

For survey of the public lands and private land claims, by the Surveyor General of Florida, sixteen thousand four hundred and eighty dollars.

For survey of the public lands and private land claims, by the Surveyor General of Louisiana, thirty-five thousand dollars.

For surveying public lands by the Surveyor General of Arkansas, twenty-five thousand dollars.

For the salaries of two keepers of the public archives in Florida, one thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, twelve thousand dollars.

For the salaries of the Ministers of the United States to Great Britain, France, Spain, and Russia, thirty-six thousand dollars.

For the salaries of the Secretaries of Legation to the same places, eight thousand dollars.

For the salaries of the Secretaries of Legation to France, Spain, and Russia, for the year eighteen hundred and thirty-five, six thousand dollars.

For the salaries of the Charges d'Affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Mexico, Central America, New Grenada, Prussia, and Venezuela, sixty-three thousand dollars.

For the salary of the Drogoman to the Legation of the United States to Turkey, and for contingent expenses of that Legation, six thousand five hundred dollars.

For outfits of Ministers to Great Britain, France, and Spain, twenty-seven thousand dollars.

For outfits of Charges des Affaires to Mexico, Prussia, and Peru, thirteen thousand five hundred dollars.

For the salaries of the agents for claims at London and Paris, four thousand dollars.

For the expenses of intercourse with the Barbary Powers, twelve thousand dollars.

For the relief and protection of American seamen in foreign countries, thirty thousand dollars.

For completing Digest of Commercial Regulations of Foreign Countries, under the resolution of the House of Representatives of the third of March, eighteen hundred and thirty-one, five thousand eight hundred and eighty-three dollars and thirty-four cents.

For completing the custom-house at New Bedford, and enclosing the lot, seven thousand two hundred dollars.

For the erection of a custom-house at New York, in addition to former appropriations, three hundred thousand dollars.

For completing the public warehouse at Baltimore, seventeen thousand dollars.

For the payment of balances due to officers of the old internal revenue and direct tax, being the balance of a former appropriation for that object, carried to the surplus fund thirty-first December, eighteen hundred and thirty-five, five thousand seven hundred dollars and twenty-three cents.

For paying certain inhabitants of West Florida, now citizens of Louisiana and Mississippi, the claims passed by the accounting officers of the Treasury, being the balance of a former appropriation for that object, carried to the surplus fund on the thirty-first December, eighteen hundred and thirty-five, one thousand five hundred and nineteen dollars and forty-one cents.

For the payment of certain certificates, being the balance of a former appropriation for that object, carried to the surplus fund on the thirty-first December, eighteen hundred and thirty-five, thirty-seven thousand four hundred and fifty-five dollars and seventy-six cents.

For the incidental and contingent expenses of the Department of State, being a balance due to William Browne on that account, two thousand and ten dollars and six cents.

For clerk hire and other expenses in relation to the North-eastern Boundary Agency, being a balance due to William Browne on that account, two thousand seven hundred and thirty-two dollars and twenty cents. These two last appropriations to be carried to the credit of said Browne, on account of contingencies of foreign intercourse.

For arrearages for the service of astronomer, assistants, and incidental expenses incurred in making astronomical observations during the year eighteen hundred and thirty-five, under the act of the fourteenth July, eighteen hundred and thirty-two, "to provide for the taking of certain observations, preparatory to the adjustment of the northern boundary line of the State of Ohio:" *Provided*, The compensation to the principal astronomer and assistants shall not exceed that granted, under the appropriation for the same service of eighteen hundred and thirty-three, thirteen thousand six hundred and fifteen dollars.

For compensation to James H. Relfe, for his services as messenger, in conveying the final report of the Commissioners for the adjustment of Private Land Claims, five hundred dollars.

For the payment of claims of Lieutenant Colonel W. Lawrence and others, being part of an appropriation made by the act of the fifth of March, one thousand eight hundred and sixteen, for these objects, carried to the surplus fund on the thirty-first of December, one thousand eight hundred and twenty-six, re-appropriated on the twentieth of March, one thousand eight hundred and twenty-eight, and again carried to the surplus fund on the thirty-first of December, one thousand eight hundred and thirty, three hundred and forty-seven dollars and sixty-seven cents.

For the expense of medals and swords for Colonel Croghan and others, five thousand one hundred dollars.

For the expense of bringing to the seat of Government the votes for President and Vice President of the United States, eight thousand dollars.

For the survey of the coast of the United States, eighty thousand dollars.

For the governor, judges, secretary, district attorney, and marshal, and contingent expenses, of the Wisconsin Territory, nine thousand nine hundred dollars.

Compensation and mileage of the members of the Legislative Council, and to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses of said Territory, nine thousand four hundred dollars.

For the public buildings and library of said Territory, twenty-five thousand dollars.

For enlarging and repairing the custom-house, and purchasing additional land therefor, at Bath, in the State of Maine, five thousand five hundred dollars.

For repairs of public buildings at Staten Island, four thousand five hundred dollars.

For defraying the expenses of a survey of lots in the town of Galena, Illinois, to be made by the Surveyor General of Missouri and Illinois, under an act approved the fifth day of February, one thousand eight hundred and twenty-nine, one thousand dollars.

For a custom-house in Boston, in addition to a former appropriation, two hundred thousand dollars.

For a marble bust of the late Chief Justice Marshall, five hundred dollars.

For payment for preparing, printing, and binding the documents ordered to be printed by Gales & Seaton, under the same restrictions and reservations as were contained in the appropriation for the same object, in the act of May the fifth, eighteen hundred and thirty-two, fifteen thousand six hundred and six dollars; and the eight volumes of the second series of the said publication shall be distributed in the same manner as were the volumes of the first series, by the joint resolution of the tenth of July, eighteen hundred and thirty-two.

Sec. 2. *And be it further enacted,* That it shall be the duties of the Secretaries of State, of the Treasury, of the War and Navy Departments, and of the Postmaster General, and the Secretary of the Senate and Clerk of the House of Representatives, to lay before Congress, in lieu of the statement now required by law, during the first week in each annual session of Congress, a statement of the expenditures made by them respectively from the contingent funds of their respective departments and offices; that of the Secretary of State to include all the contingent expenses of foreign intercourse, and of all the missions abroad, except such expenditures as are settled upon the certificate of the President; said statements to be abstracts of the accounts with the names of all persons to whom payments have been made, and the amount paid to each.

Approved, May 9, 1836.

[No. 20.]—AN ACT providing for the salaries of certain officers therein named, and for other purposes.

Be it enacted, &c. That the translator of foreign languages and the librarian in the Department of State shall receive a salary of sixteen hundred dollars.

That the disbursing agent in said Department be allowed a salary of fourteen hundred and fifty dollars.

That the Secretary of the Treasury be, and he is hereby, authorized to employ two additional clerks, to enable him to carry into effect the provisions of the second section of the act of the third of March, eighteen hundred and thirty-five, one at a salary of eleven hundred and fifty dollars, and the other at a salary of one thousand dollars.

That the assistant messenger in said Department be allowed the sum of six hundred and fifty dollars.

That the assistant messenger in the First Comptroller's office be allowed the annual compensation of five hundred dollars.

For the emolument of clerks and messengers for the office of the Commissioner of Pensions, in addition to those authorized by law, twelve thousand two hundred dollars.

That the annual compensation of the messenger in the office of the Commissioner of Indian Affairs be seven hundred dollars.

That the Commissioners of the Navy Board be authorized to employ a clerk in addition to those authorized by law, at the sum of nine hundred dollars.

That the Surveyor General of Ohio, Indiana, and Michigan, be authorized to employ two clerks at a sum not exceeding twenty-three hundred dollars, and that he be allowed the further sum of four thousand dollars for additional clerk hire.

That the Surveyor General of Illinois and Missouri be authorized to employ clerks at a sum not exceeding three thousand eight hundred and twenty dollars.

That the Surveyor General of Arkansas be allowed the sum of two thousand eight hundred dollars for clerk hire in his office.

That the Surveyor of Louisiana be allowed the sum of twenty-five hundred dollars for clerk hire in his office.

That the Surveyor General of Mississippi be allowed the sum of five thousand dollars for clerk hire in his office.

That the Surveyor General of Alabama be allowed the sum of two thousand dollars for clerk hire in his office.

That the Surveyor General of Florida be allowed the sum of three thousand five hundred dollars for clerks in his office.

That the Secretary of War be, and he is hereby, authorized to employ, for the discharge of the various duties of the Department, the following clerks and messengers: one clerk at sixteen hundred dollars, and one clerk at fourteen hundred dollars, to be employed in the business of reservations and grants under Indian treaties: *Provided,* That the said clerks shall not be employed for a longer term than four years. Three clerks for the Pension office, at one thousand dollars each, to be continued only during the present year.

Six clerks and one messenger in the Quartermaster General's office, whose compensation shall be as follows: one clerk at sixteen hundred dollars, one clerk at twelve hundred dollars, four clerks at one thousand dollars each, and one messenger at five hundred dollars; one clerk for the Ordnance office at twelve hundred dollars, and four clerks at one thousand dollars each; one clerk for the Adjutant General's office at twelve hundred dollars, and three clerks at one thousand dollars each; one clerk in the Engineer office at twelve hundred dollars, and one clerk at one thousand dollars; one clerk in the Commanding General's office at one thousand dollars. Six clerks and one messenger in the Emigrating Indian Bureau attached to the Subsistence Department, whose compensation shall be as follows: one clerk at sixteen hundred dollars, one clerk at fourteen hundred dollars, one clerk at twelve hundred dollars, three clerks at one thousand dollars each, and one messenger at five hundred dollars: *Provided,* That the authority claimed under the acts approved March twenty-eighth, eighteen hundred and twelve, and May twenty-second, eighteen hundred and twelve, or by any other act for the employment of non-commissioned officers, or the appointment of extra clerks in any of the offices of the War Department, be, and the same are hereby, repealed: *Provided, however,* That where express appropriations are made by law for the employment of clerks, such employment shall not be deemed to be extra within the meaning of the above act.

For one clerk in the Topographical Bureau one thousand dollars.

That the Superintendent of Indian Affairs at St. Louis be authorized to employ two clerks in his office, and no more, one of which shall receive a compensation of a thousand, and the other of eight hundred dollars.

That the Superintendent of Indian Affairs south of the Missouri river be authorized to employ one clerk in his office, who shall receive a compensation of one thousand dollars.

Sec. 2. *And be it further enacted,* That the salaries provided for in this act, and payable for the year eighteen hundred and thirty-six, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, May 9, 1836.

[No. 3.]—RESOLUTION to suspend the sale of a part of the public lands acquired by the treaty of Dancing Rabbit creek.

Be it resolved, &c. That so much of the public lands acquired by the treaty concluded with the Choctaw nation of Indians, at Dancing Rabbit creek, on the twenty-eighth day of September, eighteen hundred and thirty, as has been conditionally or otherwise located by the locating agent of the United States to persons claiming reservations under the fourteenth article of said treaty, be withheld from public sale until the first day of December next: *Provided,* That nothing herein contained shall be taken or construed as indicating any intention on the part of Congress to confirm said claims.

Approved, May 9, 1836.

[No. 21.]—AN ACT making appropriations for the naval service for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be appropriated for the naval service, for the year one thousand eight hundred and thirty-six, in addition to the unexpended balances of former appropriations, viz.

For pay of commissioned, warrant, and petty officers, and of seamen, two million three hundred and eighteen thousand and seventeen dollars and sixteen cents.

For pay of superintendents, naval constructors, and all the civil establishment at the several yards, sixty-eight thousand three hundred and forty dollars.

For provisions, seven hundred and eighty-two thousand two hundred and sixty-three dollars and seventy-five cents.

For repairs of vessels in ordinary, and the wear and tear of vessels in commission, one million and sixty-five thousand dollars.

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, forty-one thousand and one hundred dollars.

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars.

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, one hundred and ninety-nine thousand five hundred and seventy-five dollars.

For improvement and necessary repairs of the navy yard at Brooklyn, New York, eighty-four thousand three hundred dollars.

For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, eleven thousand seven hundred and fifty dollars.

For improvement and necessary repairs of the navy yard at Washington, thirty-seven thousand five hundred dollars.

For improvement and necessary repairs of the navy yard at Gosport, Virginia, one hundred and sixty-seven thousand dollars.

For improvement and necessary repairs of the navy yard at Pensacola, forty-nine thousand dollars.

For wharves and their appendages at the navy yard at Pensacola, as recommended by the Secretary of the Navy, one hundred and fifty thousand dollars.

For powder magazine, seventeen thousand dollars.

For a wall or enclosure of brick, three yards high, and a half yard thick, as recommended by Commodore Dallas, twenty-four thousand dollars.

For ordnance and ordnance stores, sixty-four thousand nine hundred dollars.

For defraying the expenses that may accrue for the following purposes, viz. for the freight and transportation of materials and stores of every description; for wharfage and dockage, storage and rent; travelling expenses of officers and transportation of seamen; house rent for pursers, when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk hire, office rent, stationery and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts martial and courts of inquiry; for printing and stationery of every description, and working the lithographic press, and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery, and for the repair of steam engines; for the purchase and maintenance of oxen and horses, and for carts, timber-wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for cabin furniture for vessels in commission; for taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil; for repairs of magazines or powder-houses; for preparing moulds for ships to be built; and for no other purpose whatever, three hundred and twenty-one thousand six hundred dollars.

For contingent expenses for objects not hereinbefore enumerated, three thousand dollars.

For completing the steam vessel now building at the navy yard at Brooklyn, one hundred and fifty thousand dollars.

For completing the navy hospitals near New York and Boston, regulating the grounds, making the necessary enclosures, repairing the naval asylum and all other hospitals, and the buildings and landings connected with them, and for preparing suitable burying grounds, forty-five thousand four hundred and ten dollars.

For completing the powder magazines near New York and Boston, with the landings, enclosures, and dependencies, nineteen thousand two hundred dollars.

For pay of the officers, non-commissioned officers, musicians, and privates, and for subsistence of the officers of the marine corps, one hundred and sixty-three thousand and seventy-seven dollars and twenty-five cents.

For provisions for non-commissioned officers, musicians, and privates of said corps, serving on shore, and for servants and washerwomen, thirty-three thousand five hundred and seventeen dollars and seventy-two cents.

For clothing, thirty-eight thousand six hundred and fifty-five dollars.

For fuel, fourteen thousand five hundred and eighty-nine dollars.

For the purchase of sites and the erection of barracks near the navy yards at Charlestown, Gosport, and Pensacola, one hundred and fifty thousand dollars.

For repair of barracks near Portsmouth, New Hampshire, and for repairs at the other stations, eight thousand nine hundred dollars.

For transportation of officers, non-commissioned officers, musicians and privates, and expenses of recruiting, six thousand dollars.

For medicines, hospital stores, surgical instruments, and pay of matron, four thousand one hundred and thirty-nine dollars and twenty-nine cents.

For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars.

For contingent expenses of said corps, seventeen thousand nine hundred and seventy-seven dollars and ninety-three cents.

For arrearages for defraying the extra services and expenses of the officers of the Navy engaged in the survey of coasts and harbors of the United States, for the year eighteen hundred and thirty, and prior thereto, being the amount appropriated in eighteen hundred and thirty-four for the same object, but by that act made applicable only to arrearages for the year eighteen hundred and thirty, fifteen hundred dollars.

Sec. 2. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to send out a surveying and exploring expedition to the Pacific Ocean and the South Seas, and for that purpose to employ a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated: and in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding one hundred and fifty thousand dollars, for the objects required.

Approved, May 14, 1836.

[No. 22.]—An act making appropriations for the support of the Army for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year one thousand eight hundred and thirty-six; that is to say:

For the pay of the Army, nine hundred and eighty-eight thousand three hundred and seventeen dollars.

For subsistence of officers, three hundred and fifteen thousand one hundred and eighteen dollars.

For forage of officers' horses, sixty thousand one hundred and thirty-nine dollars.

For clothing for officers' servants, twenty-four thousand nine hundred and thirty dollars.

For payments in lieu of clothing to discharged soldiers, thirty thousand dollars.

For subsistence, exclusive of that of officers, four hundred and ninety-five thousand four hundred dollars.

For clothing of the army, camp and garrison equipage, cooking utensils, hospital furniture, two hundred and two thousand nine hundred and eighty-two dollars.

For the medical and hospital department, thirty-one thousand five hundred dollars.

For various expenses in the quartermaster's department, viz. fuel, forage, straw, stationery, blanks, and printing; repairing and enlarging barracks, quarters, storehouses, and hospitals, at the various posts; erecting temporary cantonments at such posts as shall be occupied during the year, including huts for the dragoons, and gun-houses at the Atlantic posts, and those on the Gulf of Mexico, with the necessary tools and materials; providing materials for the authorized furniture of the rooms of non-commissioned officers and soldiers; rent of quarters, barracks, and storehouses, and of grounds for summer cantonments and encampments, including a farm at Fort Monroe for military practice; postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers under an act of Congress of the second of March, eighteen hundred and nineteen; expenses of expresses from the frontier posts; of escorts to paymasters; hire of laborers; compensation to extra clerks in the offices of the quartermaster and assistants, at posts where their duties cannot be performed without such aid, and to agents in charge of dismantled works and in the performance of other duties; coffins and other articles necessary at the interment of non-commissioned officers and soldiers; and purchase of horses, and various other expenditures necessary to keep the regiment of dragoons complete, three hundred and thirty-two thousand dollars.

For the allowance made to the officers for the transportation of their baggage when travelling on duty without troops, fifty thousand dollars.

For transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase and points of delivery, under contracts, to the posts where they are required to be used; of ordnance from the foundries and arsenals to the frontier posts and the fortifications, and lead from the Western mines to the several arsenals; and of the army, including officers when removing with troops, either by land or water; freight and ferriage; purchase or hire of horses, oxen, mules, carts, wagons, and boats, for transportation of troops and supplies, and for garrison purposes; drayage and cartage at the several posts, hire of teamsters, transportation of funds for the pay department; the expense of sailing a public transport between the several posts on the Gulf of Mexico, and procuring water at such posts as from their situation require it, the sum of one hundred and forty-eight thousand dollars.

For contingencies of the Army, three thousand dollars.

For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service, in addition to the sum of twenty thousand seven hundred and sixty dollars and sixty-three cents, being an unexpended appropriation for bounties and premiums, ten thousand five hundred and sixty-four dollars and forty-four cents.

For arrearages prior to the first of July, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, in addition to an unexpended balance of two thousand one hundred and sixty-six dollars and thirty-one cents, three thousand dollars.

For enabling the Secretary of War, under the direction of the President of the United States, to remove the troops from Fort Gibson to some eligible point on or near the western frontier of Arkansas, and to cause a fort to be built on the point so selected, for the accommodation of the troops of the United States, and for the better defence of the Arkansas frontier, the sum of fifty thousand dollars.

For completing the barracks, quarters, store-houses, and hospital, at Key West, in the Territory of Florida, ten thousand dollars.

For hospitals at the various military posts at which they may be required by the proper officers of the medical department, where there are not proper accommodations for the sick, and which may be authorized by the Secretary of War to be erected, one hundred thousand dollars.

For the national armories, three hundred and thirty thousand dollars.

For the armament of the fortifications, two hundred thousand dollars.

For the current expenses of the ordnance service, seventy-ty-five thousand six hundred and seventy dollars.

For the purchase of gunpowder, one hundred thousand dollars.

For arsenals, two hundred and thirty-one thousand five hundred and two dollars.

For supplying the arsenals with certain ordnance stores, one hundred and eighty-eight thousand five hundred and seventy-five dollars.

For the purchase of cannon balls, twenty-nine thousand four hundred and eighty-eight dollars.

For completing the medal heretofore ordered by Congress, for General Ripley, three hundred dollars.

Approved, May 14, 1836.

[No. 4.]—**A RESOLUTION** to change the time of making contracts for the transportation of the mail.

Resolved, &c. That the Postmaster General be authorized, provided the same can be done at the present rates of compensation, to extend the term of the existing contracts for the transportation of the mail, to the thirtieth day of June inclusive, next succeeding the thirty-first day of December in each year in which said contracts expire, so that the contract year may, after the first day of January next, commence on the first day of July, instead of the first day of January.

Approved, May 14, 1836.

[No. 5.]—**A RESOLUTION** to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for disbursements, services, &c. during the late war.

Resolved, &c. That the Secretary of War, in preparing his report pursuant to a resolve of the House of Representatives, agreed to on the twenty-fourth of February, eighteen hundred and thirty-two, be, and he hereby is, authorized, without regard to existing rules and requirements, to receive such evidence as is on file, and any further proofs which may be offered tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures during the late war with Great Britain; and in all cases where such evidence shall in his judgment prove the truth of the items of claim, or any part thereof, to act on the same in like manner as if the proof consisted of such vouchers and evidence as are required by existing rules and regulations touching the allowance of such claims; and that in the settlement of claims of other States upon the United States for services, disbursements, and expenditures during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received as is herein provided for in relation to the claim of Massachusetts, the validity of which shall be, in like manner, determined and acted upon by the Secretary of War.

Approved, May 14, 1836.

[No. 23.]—**AN ACT** to give effect to patents for public lands issued in the names of deceased persons.

Be it enacted, &c. That in all cases where patents for public lands have been or may hereafter be issued, in pursuance of any law of the United States, to a person who had died, or who shall hereafter die, before the date of such patent, the title to the land designated therein shall inure to, and become vested in, the heirs, devisees, or assignees, of such deceased patentee, as if the patent had issued to the deceased person during life; and the provisions of this act shall be construed to extend to patents for lands within the Virginia military district in the State of Ohio.

Approved, May 20, 1836.

[No. 24.]—**AN ACT** explanatory of the act entitled "An act to prevent defalcations on the part of disbursing agents of the Government, and for other purposes."

Be it enacted, &c. That the act entitled "An act to prevent defalcations on the part of disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

Approved, May 20, 1836.

[No. 25.]—**AN ACT** authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized to accept volunteers who may offer their services either as infantry or cavalry, not exceeding ten thousand men, to serve six or twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and the said volunteers shall furnish their own clothes, and, if cavalry, their own horses, and, when mustered into service, shall be armed and equipped at the expense of the United States.

Sec. 2. *And be it further enacted,* That the said volunteers shall be liable to be called upon to do military duty only in cases of Indian hostilities, or to repel invasions whenever the President shall judge proper; and when called into actual service, and while remaining therein, shall be subject to the rules and articles of war, and shall be in all respects, except as to clothing, placed on the same footing with similar corps of the United States army; and, in lieu of clothing, every non-commissioned officer and private in any company who may thus offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

Sec. 3. *And be it further enacted,* That the said volunteers so offering their services shall be accepted by the President in companies, battalions, squadrons, regiments, brigades, or divisions, whose officers shall be appointed in the manner prescribed by law in the several States and Territories to which such companies, battalions, squadrons, regiments, brigades, or divisions shall respectively belong: *Provided,* That where any company, battalion, squadron, regiment, brigade, or division of militia, already organized, shall tender their voluntary services to the United States, such company, battalion, squadron, regiment, brigade, or division shall continue to be commanded by the officers holding commissions in the same at the time of such tender; and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the State or Territory wherein the said company, battalion, squadron, regiment, brigade, or division shall have been originally raised.

Sec. 4. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to organize companies, so tendering their services, into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; and the President shall, if necessary, apportion the staff, field, and general officers among the respective States or Territories from which the volunteers shall tender their services, as he may deem proper; but until called into actual service, such companies, battalions, squadrons, regiments, brigades, or divisions shall not be considered as exempt from the performance of militia duty as if required by law, in like manner as before the passage of this act.

Sec. 5. *And be it further enacted,* That the volunteers who may be received into the service of the United States, by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

Sec. 6. *And be it further enacted,* That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank of the officers, non-commissioned officers, musicians and privates, composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects whatever, as are stipulated for the said regiment of dragoons now in service.

Sec. 7. *And be it further enacted,* That the President of the United States may disband the said regiment whenever, in his opinion, the public interest no longer requires their services, and the sum of three hundred thousand dollars, required to carry into effect the provisions of this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Sec. 8. *And be it further enacted,* That so much of this act as relates to volunteers shall be in force for two years from and after the passage of this act, and no longer.

Approved, May 23, 1836.

[No. 26.]—AN ACT making appropriations for the suppression of hostilities by the Creek Indians.

Be it enacted, &c. That the sum of five hundred thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been or may be incurred in suppressing hostilities by the Creek Indians, by calling out, by the President, of any part of the militia of the United States, according to the provisions of the Constitution and law; which sum, if expended, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of second of January, seventeen hundred and ninety-five; of the act of fifth of April, eighteen hundred and thirty-two, making appropriations for the support of the Army; and of the act of the nineteenth March, eighteen hundred and thirty-six, providing for the payment of volunteer and militia corps in the service of the United States.

Approved, May 23, 1836.

[No. 27.]—AN ACT to provide for the payment of expenses incurred and supplies furnished on account of the militia received into the service of the United States for the defence of Florida.

Be it enacted, &c. That the Secretary of War be, and he is hereby, directed to cause to be paid the expenses that have been incurred, and the supplies that have been furnished, in the States of South Carolina, Georgia, Alabama, Louisiana, and the Territory of Florida, on account of the militia received into the service of the United States for the defence of Florida: *Provided,* That the accounts for these claims shall be examined and audited at the Treasury, as in other cases.

Sec. 2. *And be it further enacted,* That the Secretary of War be authorized to cause the militia called out to defend East Florida, by Generals Clinch and Hernandez, or by the Governor of Middle and West Florida, and such other militia and volunteers as have been received and mustered into the service of the United States and regularly discharged, to be paid in like manner with the volunteers and militia ordered into service under orders from the War Department.

Approved, May 28, 1836.

[No. 28.]—AN ACT to extend the western boundary of the State of Missouri to the Missouri river.

Be it enacted, &c. That when the Indian title to all the lands lying between the State of Missouri and the Missouri river shall be extinguished, the jurisdiction over said land shall be hereby ceded to the State of Missouri, and the western boundary of said State shall be then extended to the Missouri river, reserving to the United States the original right of soil in said lands, and of disposing of the same: *Provided,* That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Missouri shall have assented to the provisions of this act.

Approved, June 7, 1836.

[No. 29.]—AN ACT to carry into effect a Convention between the United States and Spain.

Be it enacted, &c. That the President of the United States, by and with the advice and consent of the Senate, shall appoint one commissioner, whose duty it shall be to receive and examine all claims which may be presented to him under the convention for the settlement of claims between the United States of America and her Catholic Majesty the Queen of Spain, concluded at Madrid on the seventeenth day of February, one thousand eight hundred and thirty-four, which are provided for by the said convention, according to the provisions of the same, and the principles of justice, equity, and the law of nations. The said commissioner shall have a secretary, versed in the Spanish and French languages, both to be appointed by the President, by and with the advice and consent of the Senate; and the commissioner, secretary, and clerk shall, before they enter on the duties of their offices, take oath well and faithfully to perform the duties thereof.

Sec. 2. *And be it further enacted,* That the said commissioner shall be, and he is hereby, authorized to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said convention, for carrying his said commission into full and complete effect.

Sec. 3. *And be it further enacted,* That the commissioner, so to be appointed, shall attend at the city of Washington, and his salary shall begin to be allowed within thirty days after his appointment: and within twelve months from the time of his attendance as aforesaid, he shall terminate his duties. And the Secretary of State is required, as soon as the said commissioner shall be appointed, to give notice of his attendance at Washington as aforesaid, and to be published in two newspapers in the city of Washington, and in such other newspapers as he may think proper.

Sec. 4. *And be it further enacted,* That all records, documents, or other papers, which now are in, or hereafter, during the continuance of this commission, may come into the possession of the Department of State, in relation to such claim, shall be delivered to the commissioner aforesaid.

Sec. 5. *And be it further enacted,* That the compensation of the respective officers for whose appointment provision is made by this act, shall not exceed the following sums, namely: To the said commissioner, at the rate of three thousand five hundred dollars per annum; to the secretary, at the rate of two thousand dollars per annum; and to the clerk, at the rate of fifteen hundred dollars per annum. And the President of the United States shall be, and he is hereby, authorized to make such provision for the contingent expenses of the said commissioner as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 6. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury to cause the inscription or inscriptions which shall be issued by the Spanish Government, in pursuance of the aforesaid convention, to be deposited in the archives of the Legation of the United States at Paris, until otherwise ordered by the President of the United States; and it shall also be lawful for the Secretary of the Treasury, and he is hereby authorized and required, to cause the moneys which may from time to time be paid, in pursuance of the said convention, to be duly received and accounted for at Paris, and the same to be remitted, on the most advantageous terms, to the United States of America; and the said moneys, so received and remitted, shall be deposited in the Treasury of the United

States, and the same are hereby appropriated, to be distributed and paid to those authorized to receive them, according to the provisions of this act.

Sec. 7. *And be it further enacted*, That the commissioner aforesaid shall report to the Secretary of State a list of all the several awards made by him, a certified copy of which shall be by the said Secretary of State transmitted to the Secretary of the Treasury, who shall thereupon distribute in ratable proportions, among the persons in whose favor the awards shall have been made, such moneys as may have been received into the Treasury in virtue of this act, according to the proportions which their respective awards shall bear to the whole amount then received; first deducting such sums of money as may be due the United States from said persons in whose favor said awards shall be made; and shall cause certificates to be issued by the Secretary of the Treasury, in such form as he may prescribe, showing the proportion to which each may be entitled of the amount that may thereafter be received; and on the presentation of the said certificates at the Treasury, as the nett proceeds of the general instalments, payable by the Government of Spain, shall have been received, such proportions thereof shall be paid to the legal holders of the said certificates.

Sec. 8. *And be it further enacted*, That all communications to and from the secretary of the commissioner appointed under this act, on the business of the commission, shall pass by mail free of postage.

Sec. 9. *And be it further enacted*, That as soon as this commission shall be executed and completed, the records, documents, and all other papers in the possession of the commission, or its officers, shall be deposited in the office of the Secretary of State.

Approved, June 7, 1836.

[No. 6.]—A **RESOLUTION** authorizing the repair of the bridge across the river Potomac, at Washington.

Be it resolved, &c. That the Secretary of the Treasury be, and he is hereby, authorized to have all repairs made to the bridge across the Potomac river, which have become necessary from the late flood, and that the expenses of said repairs be paid out of the money heretofore appropriated for the erection of said bridge, and which is now in the Treasury unexpended.

Approved, June 7, 1836.

[No. 30.]—AN ACT making appropriations for the current expenses of the Indian Department, for Indian annuities, and other similar objects, for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, for the objects hereinafter mentioned, to be paid out of any money in the Treasury not otherwise appropriated; that is to say:

For pay of the Superintendent of Indian Affairs at St. Louis, and the several Indian agents, as provided for by the act of thirtieth June, one thousand eight hundred and thirty-four, thirteen thousand five hundred dollars.

For the payment of a clerk in the office of Superintendent of Indian Affairs for the Territory of Wisconsin, eight hundred dollars.

For the pay of sub-agents, allowed by the same act, ten thousand dollars.

For the pay of interpreters, allowed by the same act, seven thousand eight hundred dollars.

For presents to Indians, authorized by the same act, five thousand dollars.

For the purchase of provisions for Indians at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars.

For the necessary buildings required at the several agencies, and repairs thereof, two thousand dollars.

For postage, stationery, rent, and fuel, for offices, as authorized by the act of June thirtieth, eighteen hundred and thirty-four, three thousand dollars.

For contingencies, Indian Department, four thousand dollars.

TO THE SIX NATIONS OF INDIANS IN NEW YORK.

For the permanent annuity, stipulated in the sixth article of the treaty with them, of the eleventh of November, seventeen hundred and ninety-four, four thousand five hundred dollars.

For the annuity to the young king, a chief for life, as provided for by the act of the twenty-sixth of April, eighteen hundred and twenty-six, two hundred dollars.

TO THE SENECAS OF NEW YORK.

For the permanent annuity, in lieu of interest on stock, provided for by the act of the nineteenth of February, eighteen hundred and thirty-one, six thousand dollars.

TO THE OTTAWAS.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand five hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the 29th of August, eighteen hundred and twenty-one, one thousand dollars.

TO THE WYANDOTS.

For the permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaties of the twenty-ninth of September, eighteen hundred and seventeen, and the seventeenth of September, eighteen hundred and eighteen, four thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the tenth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. for shop, two hundred and twenty dollars.

TO THE WYANDOTS, MUNSEES, AND DELAWARES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the fourth of July, eighteen hundred and five, one thousand dollars.

TO THE CHRISTIAN INDIANS.

For the permanent annuity, per act of the thirtieth of May, eighteen hundred and twenty-six, four hundred dollars.

TO THE MIAMIES.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the twenty-third of October, eighteen hundred and twenty-six, twenty-five thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the sixth article of the same treaty, two thousand dollars.

For pay of eight laborers, stipulated in the fourth article of the same treaty, four hundred and eighty dollars.

For the purchase of two thousand pounds of iron, two hundred and fifty pounds of steel, and one thousand pounds of tobacco, stipulated in the same, six hundred and twenty dollars.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For the support of a miller, in lieu of a gunsmith, stipulated in the same, three hundred and twenty dollars.

For the purchase of one hundred and sixty bushels of salt, stipulated in the same, three hundred and twenty dollars.

TO THE EEL RIVERS.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five, two hundred and fifty dollars.

For the permanent annuity, stipulated in the third and separate article of the treaty of the thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

TO THE POTTAWATAMIES.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred and forty dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen, two thousand five hundred dollars.

For the limited annuity, stipulated in the fourth article of the treaty of twenty-ninth of August, eighteen hundred and twenty-one, five thousand dollars.

For the limited annuity, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the same, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. stipulated in the same, two hundred and twenty dollars.

For the support of a miller, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, six hundred dollars.

For the purchase of one hundred and twenty bushels of salt, stipulated in the same, three hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two thousand dollars.

For the limited annuities, stipulated in the same, one thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the same, one thousand dollars.

For the annuity to the principal chief, for life, stipulated in the same, one hundred dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the purchase of two thousand pounds of tobacco, stipulated in the same, two hundred and forty dollars.

For the pay of three laborers, stipulated in the same, three hundred and sixty dollars.

TO THE POTTAWATAMIES OF HURON.

For the permanent annuity, stipulated in the second article of the treaty with them, of the seventeenth November, eighteen hundred and seven, four hundred dollars.

TO THE POTTAWATAMIES OF THE PRAIRIE.

For the limited annuity, stipulated in the third article of the treaty with them, of the twentieth October, eighteen hundred and thirty-two, fifteen thousand dollars.

For the annuity of three chiefs, for life, stipulated in the same, one thousand dollars.

TO THE POTTAWATAMIES OF THE WABASH.

For the limited annuity, stipulated in the third article of the treaty with them, of the twenty-sixth of October, eighteen hundred and thirty-two, twenty thousand dollars.

TO THE POTTAWATAMIES OF INDIANA.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the twenty-seventh of October, eighteen hundred and thirty-two, fifteen thousand dollars.

For the purpose of education, during the pleasure of Congress, stipulated in the same, two thousand dollars.

For the annuity, stipulated in the third article of the treaty with them, of the tenth of December, eighteen hundred and thirty-four, one thousand dollars.

TO THE CHIPPEWAS, OTTAWAS, AND POTTAWATAMIES.

For the support of a blacksmith and assistant, stipulated in the second article of the treaty with them, of the twenty-ninth of July, eighteen hundred and twenty-nine, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For the purchase of fifty barrels of salt, stipulated in the same, two hundred and fifty dollars.

For the limited annuity, stipulated in the third article of the treaty with them, of the twenty-sixth of September, eighteen hundred and thirty-three, fourteen thousand dollars.

For the limited annuity, stipulated in the second article of the supplement to the said treaty, two thousand dollars.

For the annuity, stipulated in the third article of the said treaty, to four chiefs, for life, one thousand one hundred dollars.

TO THE WINNEBAGOES.

For the limited annuities, stipulated in the second article of the treaty with them, of first of August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For the purchase of fifty barrels of salt, stipulated in the same, two hundred and fifty dollars.

For the purchase of three thousand pounds of tobacco, stipulated in the same, three hundred dollars.

For the support of three blacksmiths and assistant, stipulated in the third article of the same, two thousand one hundred and sixty dollars.

For iron, steel, &c. six hundred and sixty dollars.

For the pay of laborers and for oxen, stipulated in the same, three hundred and sixty-five dollars.

For the limited annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, ten thousand dollars.

For the purpose of education, stipulated in the fourth article of the same, three thousand dollars.

For the support of six agriculturists and purchase of oxen, ploughs, and agricultural implements, stipulated in the fifth article of the same, two thousand five hundred dollars.

For the purchase of one thousand five hundred pounds of tobacco, stipulated in the same, one hundred and fifty dollars.

For the services of two physicians, stipulated in the same, four hundred dollars.

TO THE MENOMONEES.

For the support of five farmers and five females, house-keepers, stipulated in the second article of the treaty with them, of the fifth of February, eighteen hundred and thirty-one, four thousand dollars.

For the support of a miller, stipulated in the same, six hundred dollars.

For the support of three blacksmiths and assistant, stipulated in the same, two thousand one hundred and sixty dollars.

For the purchase of iron, steel, &c., six hundred and sixty dollars.

For the limited annuity, stipulated in the same, six thousand dollars.

For the purposes of education, stipulated in the fifth article of the same, five hundred dollars.

For the purchase of provisions, stipulated in the sixth article of the same, one thousand dollars.

TO THE CHIPPEWAS.

For the permanent annuity stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the support of a blacksmith and assistant, at Michilimackinac, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, one thousand dollars.

For the support of a blacksmith at Saginaw, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, fixed by the act of the fifteenth of May, eighteen hundred and twenty, two thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six, one thousand dollars.

TO THE CHIPPEWAS, MENOMONEES, WINNEBAGOES, AND NEW YORK INDIANS.

For the purposes of education, during the pleasure of Congress, stipulated in the fifth article of the treaty with them, of the eleventh of August, eighteen hundred and twenty seven, one thousand five hundred dollars.

TO THE SIOUX OF MISSISSIPPI.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, seven hundred dollars.

TO THE YANCTON AND SANTIE BANDS.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, four hundred dollars.

TO THE OMAHAS.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, five hundred dollars.

TO THE SACS OF MISSOURI.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, two hundred dollars.

TO THE SACS.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE FOXES.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE IOWAYS.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty with them, of the fourth of August, eighteen hundred and twenty-four, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, four hundred dollars.

For the limited annuity, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of an assistant blacksmith, stipulated in the same, four hundred and eighty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in the same, six hundred dollars.

TO THE SACS AND FOXES.

For the permanent annuity stipulated in the third article of the treaty with them of the third of November, eighteen hundred and four, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For agricultural implements, stipulated in the same, sixty dollars.

For the limited annuity, stipulated in the third article of the treaty with them, of the twenty-first of September, eighteen hundred and thirty-two, twenty thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the purchase of forty barrels of salt, stipulated in the same, two hundred dollars.

For the purchase of forty kegs of tobacco, stipulated in the same, four hundred dollars: *Provided*, That Quassuecowa's band of said nation shall receive their proportion of the annuity at Fort Leavenworth.

TO THE SACS, FOXES, AND IOWAYS.

For the purposes of education, stipulated in the fifth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE OTTOES AND MISSOURIAS.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For agricultural implements, stipulated in the same, five hundred dollars.

For the purposes of education, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, five hundred dollars.

For the support of two farmers, stipulated in the fifth article of the same, one thousand two hundred dollars.

TO THE KANZAS.

For the limited annuity, stipulated in the third article of the treaty with them, of the third of June, eighteen hundred and twenty-five, three thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For agricultural assistance, stipulated in the same, one thousand six hundred dollars.

TO THE OSAGES.

For the limited annuity, stipulated in the fifth article of the treaty with them of the tenth of November, eighteen hundred and eight, one thousand five hundred dollars.

For the limited annuity, stipulated in the third article of the treaty with them of the second of June, eighteen hundred and twenty-five, seven thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For agricultural assistance, stipulated in the same, one thousand six hundred dollars.

TO THE KICKAPOOS.

For the limited annuity, stipulated in the fourth article of the treaty with them, of the twenty-fourth of October, eighteen hundred and thirty-two, five thousand dollars.

For the support of a blacksmith's establishment, stipulated in the fifth article of the same, one thousand dollars.

For the purposes of education, stipulated in the seventh article of the same, five hundred dollars.

TO THE KASKASKIAS AND PEORIAS.

For the limited annuity, stipulated in the fifth article of the treaty with them, of the twenty-seventh October, eighteen hundred and thirty-two, three thousand dollars.

For agricultural implements, stipulated in the sixth article of the same, fifty dollars.

TO THE KASKASKIAS, PEORIAS, WEAS, AND PIANKESHAWS.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty with them, of the twenty-ninth of October, eighteen hundred and thirty-two, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

TO THE PIANKESHAWS.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five, three hundred dollars.

For the agricultural implements stipulated in the third article of the treaty of the twenty-ninth of October, eighteen hundred and thirty-two, five hundred dollars.

TO THE WEAS.

For the permanent annuity, stipulated in the fifth article of the treaty with them, of the second of October, eighteen hundred and eighteen, three thousand dollars.

TO THE DELAWARES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For the permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen, four thousand dollars.

For the support of a blacksmith and assistant, stipulated in the sixth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the permanent annuity, stipulated in the supplemental treaty of the fourteenth of September, eighteen hundred and twenty-nine, one thousand dollars.

For the annuity to three chiefs, stipulated in the supplemental treaty of the twenty-sixth of October, eighteen hundred and thirty-two, three hundred dollars.

TO THE SHAWANEES.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, sixty dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the seventh of November, eighteen hundred and twenty-five, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For payment of the annuities secured to the Shawanee Indians by the act of the fourteenth of July, eighteen hundred and thirty-two, deducting the sum of four hundred and fifty-nine dollars paid to said Indians, and including the annuities under this act, from eighteen hundred and thirty-two to eighteen hundred and thirty-six, inclusive, the sum of nine thousand five hundred and forty-one dollars.

TO THE SHAWANEES AND DELAWARES.

For the support of a miller, stipulated in the second article of the treaty with them, of the twenty-sixth of October, eighteen hundred and thirty-two, five hundred dollars.

TO THE SHAWANEES AND SENECAS OF LEWISTOWN.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

TO THE SENECAS OF LEWISTOWN.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the twenty-ninth of September, eighteen hundred and seventeen, and the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the support of a miller, stipulated in the same, six hundred dollars.

TO THE CHOCTAWS.

For the annuity, during the pleasure of the United States, stipulated in the fifth article of the treaty with them, of the seventeenth of December, eighteen hundred and one, two thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the sixteenth of November, eighteen hundred and five, three thousand dollars.

For the limited annuity, stipulated in the second article of the treaty of the twenty-fourth of October, eighteen hundred and sixteen, six thousand dollars.

For the permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty, six hundred dollars.

For annuity to a chief, stipulated in the fourteenth article of the same, one hundred and fifty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twentieth of January, eighteen hundred and twenty-five, six thousand dollars.

For the limited annuity, stipulated in the third article of the same, six thousand dollars.

For annuity to a chief, stipulated in the tenth article of the same, one hundred and fifty dollars.

For the limited annuity, stipulated in the seventeenth article of the treaty of the twenty-seventh of September, eighteen hundred and thirty, twenty thousand dollars.

For the purpose of education, stipulated in the twentieth article of the same, twelve thousand five hundred dollars.

For the support of three blacksmiths and assistants, stipulated in the same, two thousand one hundred and sixty dollars.

For the purchase of iron, steel, &c. six hundred and sixty dollars.

For the annuity to the chief, stipulated in the fifteenth article of the same, one thousand one hundred dollars.

For annuity to warriors, stipulated in the same, five hundred dollars.

TO THE CHICKASAWS.

For the permanent annuity, as provided for by the act of the twenty-fifth of February, seventeen hundred and ninety-nine, three thousand dollars.

For the purposes of education, stipulated in the second article of the treaty with them, of the twenty-fourth of May, eighteen hundred and thirty-four, three thousand dollars.

TO THE CREEKS.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the seventh of August, seventeen hundred and ninety, one thousand five hundred dollars.

For the permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two, three thousand dollars.

TO THE CREEKS EAST.

For the limited annuity, stipulated in the eighth article of the treaty with them, of the twenty-fourth of March, eighteen hundred and thirty-two, twelve thousand dollars.

For the support of a blacksmith and assistant, stipulated in the thirteenth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the purposes of education, stipulated in the thirteenth article of the same, three thousand dollars.

For the annuity to three chiefs, stipulated in the eleventh article of the same, four hundred dollars.

TO THE CREEKS WEST.

For the permanent annuity, stipulated in the fourth article of the treaty with them, of the twenty-fourth of January, eighteen hundred and twenty-six, twenty thousand dollars.

For the support of a blacksmith and assistant, stipulated in the eighth article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the support of a wheelwright, stipulated in the same, six hundred dollars.

For agricultural implements, stipulated in the eighth article of the same, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the support of a wheelwright, or wagon maker, stipulated in the same, six hundred dollars.

For the purposes of education, during the pleasure of the President, stipulated in the same, one thousand dollars.

TO THE CHEROKEES.

For the permanent annuity, stipulated in the third and sixth articles of the treaty with them, of the sixth of June, seventeen hundred and ninety-four, and the second of October, seventeen hundred and ninety-eight, six thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twenty-fourth of October, eighteen hundred and four, one thousand dollars.

For the permanent annuity, stipulated in the third article of the treaty of the twenty-fifth of October, eighteen hundred and five, three thousand dollars.

For the payment of interest on an annuity of one thousand dollars, secured to the Cherokees by the treaty of the twenty-fourth October, eighteen hundred and four, and which was not paid till the year eighteen hundred and twenty-five, twelve thousand six hundred dollars, which sum shall be paid in the same manner and in the same proportions to the Cherokees east and west of the Mississippi, that the annuity itself is payable.

TO THE QUAPAWS.

For the purposes of education, during the pleasure of the President, stipulated in the third article of the treaty with them, of the thirteenth of May, eighteen hundred and thirty-three, one thousand dollars.

For the limited annuity, stipulated in the fourth article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the third article of the same, seven hundred and twenty dollars.

For the purchase of iron, steel, &c. two hundred and twenty dollars.

For the support of a farmer, stipulated in the same, six hundred dollars.

TO THE FLORIDA INDIANS.

For the limited annuity, stipulated in the third article of the treaty with them, of the eighteenth of September, eighteen hundred and twenty-three, four thousand six hundred and ten dollars.

For the support of a blacksmith's establishment, stipulated in the sixth article of the same, one thousand dollars.

For the purposes of education, stipulated in the same, one thousand dollars: *Provided, however*, That no part of the appropriation for the Florida Indians shall be paid to any Indians who have been engaged in hostilities against the United States, unless in such change of circumstances as may induce the President of the United States to direct the same to be paid.

TO THE PAWNEES.

For the limited annuity, stipulated in the third article of the treaty with them, of the ninth of October, eighteen hundred and thirty-three, four thousand six hundred dollars.

For agricultural implements, stipulated in the fourth article of the same, two thousand dollars.

For the purposes of education, stipulated in the fifth article of the same, one thousand dollars.

For the support of two blacksmiths' establishments, stipulated in the sixth article of the same, two thousand dollars.

For the support of four farmers, stipulated in the seventh article of the same, two thousand four hundred dollars.

TO THE CHEROKEES WEST.

For the purposes of education, stipulated in the fifth article of the treaty with them, of the sixth of May, eighteen hundred and twenty-eight, two thousand dollars.

For the support of four blacksmiths and assistants, stipulated in the fourth article of the treaty with them, of the fourteenth of February, eighteen hundred and thirty-three, two thousand eight hundred and eighty dollars.

For the purchase of iron, steel, &c. eight hundred and eighty dollars.

For the support of a wagon maker and a wheelwright, stipulated in the same, one thousand two hundred dollars.

For the expenses of transportation and distribution of annuities, salt, agricultural implements, tobacco, tools, &c. and other incidental expenses, twenty-nine thousand five hundred dollars.

For carrying into effect certain stipulations in the treaties concluded with the Senecas of Sandusky on the twenty-eighth February, eighteen hundred and thirty-one, with the Senecas and Shawanees on the twentieth July, eighteen hundred and thirty-one, and with the Shawanees on the eighth August, eighteen hundred and thirty-one, sixteen hundred and ninety-five dollars and sixty-two cents.

For expenses attending the execution of the treaty with the Creeks of the twenty-fourth of March, eighteen hundred and thirty-two, in relation to locating reservations and certifying contracts, seven thousand dollars.

For expenses attending the execution of the treaty with the Choctaws, of September, eighteen hundred and thirty, in relation to locating reservations, five thousand dollars.

For the purpose of carrying into effect the treaty made with the Caddo Indians on the first day of July, eighteen hundred and thirty-five, forty thousand dollars.

To defray the expense of removing the Winnebago Indians who reside south of the Wisconsin to the "neutral ground," or such other place as may be assigned by treaty, and for their subsistence for five months, forty thousand dollars: *Provided, always*, That no part of said sum of money shall be used unless the said Indians will agree to remove, and actually do remove, to a country to be assigned to them on the southwest side of the river Missouri.

To defray the expense of holding treaties with the Indians in the vicinity of Green Bay, Indians within the State of New York, the Winnebagoes north and south of the Wisconsin, and with the Sacs and Foxes north of Missouri, twenty-two thousand dollars.

For holding a treaty with the Chippewas of Saginaw, five thousand two hundred dollars: *Provided*, That the compensation to the commissioners for holding said treaties shall be a per diem allowance only.

For one hundred and seventy-five rifles for the Pottawatamies, two thousand four hundred dollars.

For the expenses of the Ross delegation of twenty Cherokees, thirteen thousand dollars, to be paid to John Martin.

To defray the expenses of Richard Field, a Cherokee Indian, who attended at the seat of Government, at the request of an agent of the Government, in the winter of eighteen hundred and thirty-four–thirty-five, four hundred and fifty dollars.

For expenses of three delegates from the Seneca nation of Indians who have attended at Washington during the present winter, six hundred dollars.

For the removal of twenty-one thousand Creek Indians, and their subsistence for one year, including subsistence of those recently removed, in addition to the balance of one hundred and fifty-five thousand dollars of former appropriations, one million and twenty-three thousand five hundred and fifty dollars: *Provided, always*, That it shall not be lawful to make any contract with any person or persons for the removal of said Indians, or any part of them, at the expense of any individual or individuals, except such contract is made in pursuance of reasonable notice, publicly given, and with such person or persons as shall have offered the most favorable terms to the Government.

For the removal of Seminole Indians, and their subsistence for one year, in addition to a balance of thirty-three thousand dollars for former appropriations, one hundred thousand dollars.

For holding treaties with Indian tribes for the purpose of extinguishing the Indian title to the territory between the State of Missouri and the Missouri river, two thousand dollars.

To defray the expenses of a delegation of the Pottawatamie Indians, on a visit to Washington City, two thousand six hundred and thirty dollars.

Sec. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to cause the accounts of the commissioners appointed under the act of Congress of third March, eighteen hundred and twenty-five, to be closed, by transferring from the appropriation therein made for defraying the expenses of treating with the Indians to the appropriation for "making the road from the western frontier of Missouri to the confines of New Mexico" such amount as may be necessary for this purpose.

Sec. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to allow and pay to David Brearly, out of any money in the Treasury not otherwise appropriated, the amount charged to his account and accounted for by him on a draft drawn by him on the War Department, on the twenty-sixth of January, eighteen hundred and twenty-nine, for the sum of two thousand three hundred and twenty-seven dollars and twelve cents, for provisions purchased for and applied to the use of certain emigrating Creek Indians.

Sec. 4. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to invest, in a manner which shall be, in his judgment, most safe and beneficial for the fund, the sum of thirty-three thousand nine hundred and twelve dollars and forty cents, being money in the Treasury as the proceeds of lands purchased from the Seneca Indians of Sandusky, by a treaty concluded on the twenty-eighth of February, eighteen hundred and thirty-one, from the Senecas and Shawanees by a treaty concluded on the twentieth of July, eighteen hundred and thirty-one, and from the Shawanees by a treaty concluded on the eighth of August, eighteen hundred and thirty-one, and upon which sum the United States are, by stipulations in the said treaties, bound to pay to the said Indians an annual interest at the rate of five per centum: *Provided*, That the said Secretary shall make no investment of the said sum, or any portion of it, at a lower rate of interest than five per centum per annum.

Sec. 5. *And be it further enacted*, That it shall be competent for the President to assign to the Indian Agent at Michilimackinac, in addition to his proper duties, the duties of Superintendent of Indian Affairs [illegible] all that district of country heretofore constituting the Territory of Michigan, and lying east of the line established as the eastern boundary of the Territory of Wisconsin, by the act of Congress of the twentieth April, eighteen hundred and thirty-six: *Provided, however*, That no additional compensation or emolument shall be granted, on account of the said duties; and the President may require the said agent to reside at such place as he may think fit, within the said district.

Approved: June 14, 1836.

[No. 31.]—AN ACT to establish an arsenal of construction in the State of North Carolina.

Be it enacted, &c. That the sum of forty-five thousand dollars be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, towards the purchase of a site and the building of an arsenal of deposite and general construction, near the town of Fayetteville, in the State of North Carolina.

Approved, June 14, 1836.

[No. 32.]—AN ACT repealing the fourteenth section of the "Act to incorporate the subscribers to the Bank of the United States," approved April tenth, eighteen hundred and sixteen.

Be it enacted, &c. That the fourteenth section of the act entitled "An act to incorporate the subscribers to the Bank of the United States," approved April tenth, eighteen hundred and sixteen, shall be, and the same is hereby, repealed.

Approved, June 15, 1836.

[No. 33.]—AN ACT to divide the Green Bay land district in Michigan, and for other purposes.

Be it enacted, &c. That the country on the western shore of Lake Michigan, embraced within the limits of the Green Bay land district, as established by the act of Congress of the twenty-sixth day of June, eighteen hundred and thirty-four, shall be, and is hereby, divided by a line commencing on the western boundary of said district, and running thence, east, between townships ten and eleven north, to the line between ranges seventeen and eighteen east; thence, north, between said ranges of townships, to the line between townships twelve and thirteen north; thence, east, between said townships twelve and thirteen, to Lake Michigan; and all the country bounded north by the division line here described, south by the base line, east by Lake Michigan, and west by the division line between ranges eight and nine east, shall constitute a separate district, and be called the Milwalky land district.

Sec. 2. *And be it further enacted*, That two additional districts shall be, and are hereby, established in the peninsula of Michigan, one to be called the Grand river, and the other the Saginaw, land district, the former of which shall be bounded as follows, to wit: Beginning at the shore of Lake Michigan, on the line between townships three and four north, and running east on said line to the line between ranges number six and seven west of the principal meridian; thence on said range line south, to the base line of the public surveys; thence on said base line east, to the principal meridian line; thence north on said meridian, to the north boundary of township ten north; thence west on the line between townships ten and eleven north, to the western boundary of range two west; and thence north, following the line between ranges two and three west, so as to include all that portion of the peninsula of Michigan lying west of said line. The Saginaw district shall embrace all the tract of country bounded on the west by the Grand river district aforesaid; on the south by the division line between townships number five and six, north of the base line; on the east by the division line between ranges eleven and twelve, east of the principal meridian; and on the north and northeast by Saginaw bay and Lake Huron.

Sec. 3. *And be it further enacted*, That for each of all the aforesaid districts there shall be appointed a register and receiver, who shall reside and superintend the sales of the public lands at such place, in each respective district, as the President of the United States may designate. They shall give security in the same manner and in the same sums, and their compensation, emoluments, duty, and authority shall, in every respect, be the same, in relation to the lands which may be disposed of at their offices, as are, or may be, provided by law relative to the registers and receivers of public money in the several offices established for the sale of the public lands.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the same can be done, to cause the proper plats of the surveys of the said districts to be deposited in the land offices intended for them, respectively; and he is hereby authorized to allow and pay out of the proceeds of the sales of the public lands the reasonable expenses which may be incurred in carrying into effect the provisions of this act.

Sec. 5. *And be it further enacted*, That the lands which were ceded to the United States by the treaty made with the confederated tribes of Sac and Fox Indians at Fort Armstrong, in the State of Illinois, on the twenty-first day of September, eighteen hundred and thirty-two, be, and the same are hereby, attached to, and made a part of, the Wisconsin land district, in the Territory of Michigan; and that said lands shall be liable to be surveyed and sold at Mineral Point, or wherever the President may direct, in the same manner as other public lands of the district.

Sec. 6. *And be it further enacted*, That this act shall take effect and be in force from and after the first day of August next.

Approved, June 15, 1836.

[No. 34.]—AN ACT to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed.

Be it enacted, &c. That the northern boundary line of the State of Ohio shall be established at, and shall be a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee (Miami) bay, after that line, so drawn, shall intersect the eastern boundary line of the State of Indiana; and from the said north cape of the said bay, northeast to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence with the said last mentioned line, to its intersection with the western line of the State of Pennsylvania.

Sec. 2. *And be it further enacted*, That the Constitution and State Government which the People of Michigan have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed; and that the said State of Michigan shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States, in all respects whatsoever: *Provided, always, and this admission is upon the express condition*, That the said State shall consist of and have jurisdiction over all the territory included within the following boundaries, and over none other, to wit: Beginning at the point where the above-described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence, with the said boundary line between the United States and Canada, through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence, in a direct line through Lake Superior, to the mouth of the Montreal river; thence, through the middle of the main channel of the said river Montreal, to the middle of the Lake of the Desert; thence, in a direct line, to the nearest head water of the Menomonie river; thence, through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menomonie river; thence, down the centre of the main channel of the same, to the centre of the most usual ship channel of the Green bay of Lake Michigan; thence, through the centre of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence, through the middle of Lake Michigan, to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence, due east with the north boundary line of the said State of Indiana, to the northeast corner thereof; and thence south, with the east boundary line of Indiana, to the place of beginning.

Sec. 3. *And be it further enacted*, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the People of said State for the sole purpose of giving the assent herein required; and, as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete, and the Senators and Representative who have been elected by the said

State as its representatives in the Congress of the United States shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay.

Sec. 4. *And be it further enacted*, That nothing in this act contained, or in the admission of the said State into the Union as one of the United States of America, upon an equal footing with the original States in all respects whatever, shall be so construed or understood as to confer upon the People, Legislature, or other authorities of the said State of Michigan any authority or right to interfere with the sale, by the United States, and under their authority, of the vacant and unsold lands within the limits of the said State, but that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by future action between Congress, on the part of the United States, and the said State, or the authorities thereof. And the said State of Michigan shall in no case, and under no pretence whatsoever, impose any tax, assessment, or imposition of any description upon any of the lands of the United States within its limits.

Approved, June 15, 1836.

[No. 35.]—AN ACT for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

Whereas the people of the Territory of Arkansas did, on the thirtieth day of January, in the present year, by a convention of delegates, called and assembled for that purpose, form for themselves a Constitution and State Government, which Constitution and State Government, so formed, is republican: and whereas the number of inhabitants within the said Territory exceeds forty-seven thousand seven hundred persons, computed according to the rule prescribed by the Constitution of the United States; and the said convention have, in their behalf, asked the Congress of the United States to admit the said Territory into the Union as a State, on an equal footing with the original States:

Be it enacted, &c. That the State of Arkansas shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States in all respects whatever; and the said State shall consist of all the territory included within the following boundaries to wit: Beginning in the main channel of the Mississippi river, on the parallel of thirty-six degrees north latitude, running from thence west, with the said parallel of latitude, to the Saint Francis river; thence up the middle of the main channel of said river to the parallel of thirty-six degrees thirty minutes north; from thence west to the southwest corner of the State of Missouri; and from thence, to be bounded on the west, to the north bank of Red river, by the lines described in the first article of the treaty between the United States and the Cherokee nation of Indians west of the Mississippi, made and concluded at the city of Washington, on the twenty-sixth day of May, in the year of our Lord one thousand eight hundred and twenty-eight; and to be bounded on the south side of Red river by the Mexican boundary line, to the northwest corner of the State of Louisiana; thence east, with the Louisiana State line, to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of the said river, to the thirty-sixth degree of north latitude, the point of beginning.

Sec. 2. *And be it further enacted*, That until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives in the United States.

Sec. 3. *And be it further enacted*, That all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said State of Arkansas, as elsewhere within the United States.

Sec. 4. *And be it further enacted*, That the said State shall be one judicial district, and be called the Arkansas district; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of Government of the said State two sessions annually, on the first Mondays of April and November; and he shall, in all things, have and exercise the same jurisdiction and powers which were, by law, given to the judge of the Kentucky district, under an act entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district court, who shall reside and keep the records of the court at the place of holding the same; and shall receive for the services performed by him the same fees to which the clerk of the Kentucky district is entitled for similar services.

Sec. 5. *And be it further enacted*, That there shall be allowed to the judge of the said district court the annual compensation of two thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the Treasury of the United States.

Sec. 6. *And be it further enacted*, That there shall be appointed in the said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars, as a full compensation for all extra services.

Sec. 7. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and he shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Sec. 8. *And be it further enacted*, That the State of Arkansas is admitted into the Union upon the express condition that the people of said State shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State; and nothing in this act shall be construed as an assent by Congress to all or to any of the propositions contained in the ordinance of the said convention of the people of Arkansas, nor to deprive the said State of Arkansas of the same grants, subject to the same restrictions, which were made to the State of Missouri by virtue of an act entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," approved the sixth day of March, one thousand eight hundred and twenty.

Approved, June 15, 1836.

[No. 7.]—RESOLUTION providing for the distribution of weights and measures.

Resolved, &c. That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in the progress of manufacture, for the use of the several custom-houses, and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States, respectively, to the end that a uniform standard of weights and measures may be established throughout the United States.

Approved, June 14, 1836.

[No. 36.]—AN ACT to regulate the deposites of the public money.

Be it enacted, &c. That it shall be the duty of the Secretary of the Treasury to select as soon as may be practicable, and employ as the depositories of the money of the United States, such of the banks incorporated by the several States, by Congress for the District of Columbia, or by the Legislative Councils of the respective Territories for those Territories, as may be located at, adjacent or convenient to, the points or places at which the revenues may be collected or disbursed; and in those States, Territories, or Districts in which there are are no banks, or in which no bank can be employed as a deposite bank, and within which the public collections or disbursements require a depository, the said Secretary may make arrangements with a bank or banks, in some other State, Territory, or District, to establish an agency, or agencies, in the States, Territories, or District so destitute of banks, as banks of deposite; and to receive through such agencies such deposites of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency to be the same in respect to its agency, as are the duties and liabilities of deposite banks generally, under the provisions of this act: *Provided*, That at least one such bank shall be selected in each State and Territory, if any can be found in each State and Territory willing to be employed as depositories of the public money, upon the terms and conditions hereinafter prescribed, and continue to conform thereto; and that the Secretary of the Treasury shall not suffer to remain in any deposite bank an amount of the public moneys more than equal to three-fourths of the amount of its capital stock actually paid in, for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act; and that the banks so selected shall be, in his opinion, safe depositories of the public money, and shall be willing to undertake to do and perform the several duties and services, and to conform to the several conditions prescribed by this act.

Sec. 2. *And be it further enacted,* That if, at any point or place at which the public revenue may be collected, there shall be no bank located, which, in the opinion of the Secretary of the Treasury, is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as depositories of the public money of the United States, or to comply with the conditions prescribed by this act, or where such banks shall not have sufficient capital to become depositories of the whole amount of moneys collected at such point or place, he shall and may order and direct the public money collected at such point or place to be deposited in a bank or banks in the same State, or in some one or more of the adjacent States, upon the terms and conditions hereinafter prescribed: *Provided,* That nothing in this act contained shall be so construed as to prevent Congress at any time from passing any law for the removal of the public money from any of the said banks, or from changing the terms of deposite, or to prevent the said banks at any time from declining any longer to be the depositories of the public money upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of its agreement with the said Secretary.

Sec. 3. *And be it further enacted,* That no bank shall hereafter be selected and employed by the Secretary of the Treasury as a depository of the public money until such bank shall have first furnished to the said Secretary a statement of its condition and business, a list of its directors, the current price of its stock, and also a copy of its charter; and likewise, such other information as may be necessary to enable him to judge of the safety of its condition.

Sec. 4. *And be it further enacted,* That the said banks, before they shall be employed as the depositories of the public money, shall agree to receive the same upon the following terms and conditions, viz.

First. Each bank shall furnish to the Secretary of the Treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the foregoing section of this act, except that such statements need not, unless requested by said Secretary, contain a list of the directors or a copy of the charter. And the said banks shall furnish to the Secretary of the Treasury, and to the Treasurer of the United States, a weekly statement of the condition of his account upon their books. And the Secretary of the Treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the said statements: *Provided,* That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Secondly. To credit as specie all sums deposited therein to the credit of the Treasurer of the United States, and to pay all checks, warrants, or drafts drawn on such deposites, in specie, if required by the holder thereof.

Thirdly. To give, whenever required by the Secretary of the Treasury, the necessary facilities for transferring the public funds from place to place, within the United States, and the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

Fourthly. To render to the Government of the United States all the duties and services heretofore required by law to be performed by the late Bank of the United States and its several branches or offices.

Sec. 5. *And be it further enacted,* That no bank shall be selected or continued as a place of deposite of the public money, which shall not redeem its notes and bills on demand in specie; nor shall any bank be selected or continued as aforesaid, which shall, after the fourth of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars.

Sec. 6. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby, authorized, and it shall be his duty, whenever in his judgment the same shall be necessary or proper, to require of any bank so selected and employed as aforesaid, collateral or additional securities for the safe-keeping of the public moneys deposited therein, and the faithful performance of the duties required by this act.

Sec. 7. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury to enter into contracts in the name and for and on behalf of the United States, with the said banks so selected or employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

Sec. 8. *And be it further enacted,* That no bank which shall be selected or employed as the place of deposite of the public money, shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned, that is to say: if, at any time, any one of said banks shall fail or refuse to perform any of said duties, as prescribed by this act, and stipulated to be performed by its contract, or if any of said banks shall at any time refuse to pay its own notes in specie, if demanded, or shall fail to keep in its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the business transacted by the bank; in any and every such case it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposite at the time of such discontinuance. And in case of the discontinuance of any of said banks, it shall be the duty of the Secretary of the Treasury to report to Congress immediately, if in session, and if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And in case of the discontinuance of any of said banks as a place of deposite of the public money for any of the causes hereinbefore provided, it shall be lawful for the Secretary of the Treasury to deposite the money thus withdrawn in some other banks of deposite already selected, or to select some other bank as a place of deposite, upon the terms and conditions prescribed by this act. And in default of any bank to receive such deposite, the money thus withdrawn shall be kept by the Treasurer of the United States, according to the laws now in force, and shall be subject to be disbursed according to law.

Sec. 9. *And be it further enacted,* That, until the Secretary of the Treasury shall have selected and employed the said banks as places of deposite of the public money, in conformity to the provisions of this act, the several State and District banks at present employed as depositories of the money of the United States shall continue to be the depositories aforesaid, upon the terms and conditions upon which they have been so employed.

Sec. 10. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commencement of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the Treasury; and if the selection of any bank as a depository of the public money be made by the Secretary of the Treasury, while Congress is in session, he shall immediately report the name and condition of such bank to Congress; and if any such selection shall be made during the recess of Congress, he shall report the same to Congress during the first week of its next session.

Sec. 11. *And be it further enacted,* That whenever the amount of public deposites to the credit of the Treasurer of the United States, in any bank, shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the bank shall allow and pay to the United States for the use of the excess of the deposites over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter; and it shall be the duty of the Secretary of the Treasury, at the close of each quarter, to cause the amounts on deposite in each deposite bank for the quarter to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are by the banks respectively passed to the credit of the Treasurer of the United States in his accounts with the respective banks.

Sec. 12. *And be it further enacted,* That all warrants or orders for the purpose of transferring the public funds from the banks in which they now are, or may hereafter be deposited, to other banks, whether of deposite or not, for the purpose of accommodating the banks to which the transfer may be made, or to sustain their credit, or for any other purpose whatever, except it be to facilitate the public disbursements, and to comply with the provisions of this act, be, and the same are hereby, prohibited and declared to be illegal; and in cases where transfers shall be required for purposes of equalization under the provisions of this act, in consequence of too great an accumulation of deposites in any bank, such transfers shall be made to the nearest deposite banks which are considered safe and secure, and which can receive the moneys to be transferred under the limitations in this act imposed: *Provided*, That it may be lawful for the President of the United States to direct transfers of public money to be made from time to time to the mint and branch mints of the United States, for supplying metal for coining.

Sec. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurers, or the competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurers, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the State for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposite, in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet the appropriations made by law, the same shall be called for, in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days for every additional sum of $20,000 which at any time may be required.

Sec. 14. *And be it further enacted*, That the said deposites shall be made with the said States, in the following proportions, and at the following times, viz. one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July; and one quarter part on the first day of October, all in the same year.

Sec. 15. *And be it further enacted*, That, to enable the Secretary of the Treasury to carry into effect the provisions of this act, he be authorized to appoint three additional clerks for his Department, the one at a salary of one thousand six hundred dollars per annum, and the remaining two at a salary of one thousand dollars each per annum; and to pay the said clerks quarter-yearly, out of any money in the Treasury not otherwise appropriated.

Approved, June 23, 1836.

[No. 37.]—AN ACT authorizing the Secretary of the Treasury to act as the agent of the United States, in all matters relating to their stock in the Bank of the United States.

Be it enacted, &c. That from and after the passage of this act it shall be the duty of the Secretary of the Treasury to assume and exercise the agency and direction, in behalf of the United States, over their property in the Bank of the United States, whether the same be standing on the books of the bank in the name of the United States, or of the Treasurer of the United States, for the use of the Secretary of the Navy, for the payment of navy pensions; and the Secretary of the Treasury is hereby invested with the authority necessary for carrying into effect the duties of said agency, by voting in behalf of the United States at any meetings of the stockholders, and performing any other act in relation to the same which any stockholder would be authorized to do.

Sec. 2. *And be it further enacted*, That, as agent of the United States as aforesaid, the Secretary of the Treasury shall be furnished, from time to time, as often as he may require, by the directors of the Bank of the United States, or by the trustees who shall have been, or may be appointed, either by said directors or the stockholders of said bank, or in their behalf, or by such individuals as may have the custody, control, or possession of the books and effects of the same, with statements of the amount of the capital stock of the said corporation undivided, of debts due beyond the same on account of said bank, of the moneys remaining on deposite, of the notes of said bank outstanding, and of the specie on hand on account of the same; and said Secretary shall have the same right as any stockholder to inspect and examine, or cause to be inspected and examined, all such accounts in the books of said bank, or of any trust arising out of or holding the effects of said corporation, as shall relate to the statements hereby required to be made.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be authorized and directed to receive and deposite in the Treasury of the United States any dividends which may be made of the capital stock, or of the surplus profits of said bank.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to receive the capital stock belonging to the United States, in the late Bank of the United States, in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to; and also to settle and adjust the claim for surplus profits accruing on said capital stock, on such terms as he may think proper, and in like manner to receive the amount thereof in such instalments, and payable at such times and with such rates of interest as he may agree to.

Approved, June 23, 1836.

[No. 38.]—AN ACT to settle and establish the northern boundary line of the State of Ohio.

Be it enacted, &c. That the northern boundary of the State of Ohio shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay; thence, northeast, to the northern boundary line of the United States; thence, with said line, to the Pennsylvania line.

Sec. 2. *And be it further enacted*, That the boundary line surveyed, marked, and designated agreeably to "An act to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana," approved March the second, eighteen hundred and twenty-seven, shall be deemed and taken as the east and west line mentioned in the Constitution of the State of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and forever remain the northern boundary of said State.

Sec. 3. *And be it further enacted*, That the northern boundary line, ascertained, surveyed, and marked, agreeably to a law of Congress entitled "An act to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes," approved March second, eighteen hundred and thirty-one, shall be deemed and taken as the line west from the middle of Lake Michigan, in north latitude forty-two degrees thirty minutes, to the middle of the Mississippi river, as defined in the act of Congress entitled "An act to enable the people of the Illinois Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," approved eighteenth of April, eighteen hundred and eighteen, and shall be and forever remain the northern boundary line of said State.

Approved, June 23, 1836.

[No. 39.]—AN ACT to remove the Land Office from Clinton to Jackson, in the State of Mississippi.

Be it enacted, &c. That the Land Office at present established at Clinton, in the State of Mississippi, be hereafter kept at Jackson, in the same State.

Approved, June 23, 1836.

[No. 40.]—AN ACT to amend an act to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahaba, and Black Warrior rivers.

Be it enacted, &c. That so much of the second section of the act above recited as restricts the State of Alabama from having the power to sell, dispose of, or grant the residue of the lands granted by the act, to which this is a supplement, at a price not less than the minimum price of the public lands, be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That the assent of the United States is hereby given to any act which the Legislature of the State of Alabama may pass for imposing a toll on the use of such parts of the canal or canals which have been or may be constructed at or around the Muscle and Colbert's shoals of the river Tennessee: *Provided*, That such tolls shall be expended exclusively on the said canals, and shall not exceed in amount the sum required to keep them in repair, and to defray the expenses of lock tenders, collectors, superintendents, and managers; and that no part of this act shall be construed as a repeal of the exemption contained in the seventh section of the aforesaid act of the property of the United States, and all persons in their service, from any toll whatever: *And provided further*, That an annual report shall be made to the Secretary of the Treasury of the United States of the rate and amount of tolls charged or collected on said canals, and their application.

Approved, June 23, 1836.

[No. 41.]—AN ACT supplementary to the act entitled "An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

Be it enacted, &c. That, in lieu of the propositions submitted to the Congress of the United States by an ordinance passed by the convention of delegates at Little Rock, assembled for the purpose of making a Constitution for the State of Arkansas, which are hereby rejected, and that the following propositions be, and the same are hereby, offered to the General Assembly of the State of Arkansas, for their free acceptance or rejection, which, if accepted under the authority granted to the General Assembly for this purpose by the convention which framed the Constitution of the said State, shall be obligatory upon the United States:

First. That section numbered sixteen in every township, and, when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State, for the use of said State, the same to be selected by the General Assembly thereof, on or before the first day of January, one thousand eight hundred and forty; and the same, when so selected, to be used under such terms, conditions, and regulations, as the General Assembly of said State shall direct: *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the General Assembly shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress; and that nothing contained in the act of Congress entitled "An act authorizing the Governor of the Territory of Arkansas to lease the salt springs in said Territory, and for other purposes," or in any other act, shall be construed to give to the said State any further or other claim whatsoever, to any salt springs or lands adjoining thereto, than to those hereby granted.

Third. That five per cent. of the nett proceeds of the sale of lands lying within the said State, and which shall be sold by Congress, from and after the —— day of —— next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the General Assembly thereof.

Fourth. That a quantity of land not exceeding five sections be, and the same is hereby, granted to the said State, in addition to the ten sections which have already been granted, for the purpose of completing the public buildings of the said State, at Little Rock; which said five sections shall, under the direction of the General Assembly of said State, be located, at any time, in legal divisions of not less than one quarter section, in such townships and ranges as the General Assembly aforesaid may select, on any of the unappropriated public lands of the United States within the said State.

Fifth. That two entire townships of land which have already been located by virtue of the act entitled "An act concerning a seminary of learning in the Territory of Arkansas," approved the second of March, one thousand eight hundred and twenty-seven, and hereby vested in and confirmed to the General Assembly of the said State, be appropriated solely to the use of such seminary by the General Assembly: *Provided*, That the five foregoing propositions herein offered are on the condition that the General Assembly or Legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the Constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said General Assembly of said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

Approved, June 23, 1836.

[No. 42.]—AN ACT supplementary to the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions."

Be it enacted, &c. That in lieu of the propositions submitted to the Congress of the United States by an ordinance passed by the convention of delegates at Detroit, assembled for the purpose of making a Constitution for the State of Michigan, which are hereby rejected; and that the following propositions be, and the same are hereby, offered to the Legislature of the State of Michigan, for their acceptance or rejection; which, if accepted under the authority conferred on the said Legislature by the convention which framed the Constitution of the said State, shall be obligatory upon the United States:

First. That section numbered sixteen in every township of public lands, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

Second. That the seventy-two sections of land set apart and reserved for the use and support of a university by an act of Congress approved on the twentieth day of May, eighteen hundred and twenty-six, entitled "An act concerning a seminary of learning in the Territory of Michigan," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the Legislature may prescribe: *And provided, also*, That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land, under contract or grant from said university.

Third. That five entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the seat of Government of the said State, as the Legislature may determine and direct.

Fourth. That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the Legislature thereof, on or before the first of January, eighteen hundred and forty; and the same, when so selected, to be used on such terms, conditions, and regulations as the Legislature of the said State shall direct: *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the General Assembly shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Fifth. That five per cent of the nett proceeds of the sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the Legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the Constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands, the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

Approved, June 23, 1836.

[No. 8.]—A RESOLUTION to furnish the Rotundo with paintings.

Resolved, &c. That a joint committee be appointed to contract with one or more competent American artists for the execution of four historical pictures upon subjects serving to illustrate the discovery of America; the settlement of the United States; the history of the Revolution; or of the adoption of the Constitution; to be placed in the vacant panels of the Rotundo; the subject to be left to the choice of the artists under the control of the committee.

Approved, June 23, 1836.

[No. 9.]—A RESOLUTION referring the petition and papers of the heirs of Robert Fulton, deceased, to the Secretary of the Navy, to report thereon to Congress.

Resolved, &c. That the petition and papers of the heirs of Robert Fulton be referred to the Secretary of the Navy, to state an account between the United States and said heirs, by debiting them with all the moneys paid to the said Robert Fulton, and not settled on the books of the Treasury Department.

Second. To credit the said heirs with all moneys advanced or expended by the said Fulton, in and about the business of the United States, committed to his care, or about which he had an agency.

Third. To credit the said heirs with a compensation commensurate with the value and importance of the services rendered by the said Robert Fulton to the United States, in inventing a system of coast and harbor defence, and in testing its utility, so far as he was employed or engaged to render such services, by the authorities of the United States, or when such services were recognised as having been rendered for the United States, previous to, or during the late war with, Great Britain.

Fourth. To credit the said heirs with the like compensation, for the services of the said Robert Fulton, for inventing and in superintending the construction of a steam frigate at New York, during and after said war.

Fifth. To credit the said heirs with a just and equitable compensation, for the detention of the steamboat Vesuvius, at New Orleans, from the thirteenth of December, eighteen hundred and fourteen, to the twelfth of March, eighteen hundred and fifteen, both days inclusive, being the time the said boat remained aground, by reason of her being impressed into the service of the United States, and grounded when in said service.

SECOND. *Be it further resolved,* That the said Secretary of the Navy be authorized to take such further testimony as he shall think necessary, and that he ascertain what defence was made to the suit in favor of the United States against the representatives of Robert Fulton, in the southern district of New York, and what composed the items of set-off to the claim of the United States; and that said Secretary report his proceedings at the next session of Congress.

Approved, June 23, 1836.

[No. 43.]—AN ACT to disapprove and annul certain acts of the Territorial Legislature of Florida, and for other purposes.

Be it enacted, &c. That no act of the Territorial Legislature of any of the Territories of the United States, incorporating any bank, or any institution with banking powers or privileges, hereafter to be passed, shall have any force or effect whatever, until approved and confirmed by Congress.

Sec. 2. *And be it further enacted,* That the following acts of the Territorial Legislature of Florida, namely: an act entitled "An act to incorporate the Bank of St. Joseph," passed February twelfth, eighteen hundred and thirty-six; an act entitled "An act to incorporate the Florida Insurance and Banking Company," passed February tenth, eighteen hundred and thirty-six; an act passed February fourteenth, eighteen hundred and thirty-six, entitled "An act to incorporate the St. Joseph Insurance Company;" and all other acts and parts of acts, passed by the said Territorial Legislature of Florida, in the year eighteen hundred and thirty-six, creating banks or extending banking corporations, or corporations with banking powers, or conferring banking powers on any corporation or institution whatever, be, and the same hereby are, disapproved and annulled.

Approved, July 1, 1836.

[No. 44.]—AN ACT to change the time of holding the district court of the United States for the western district of Virginia, holden at Clarksburg.

Be it enacted, &c. That from and after the first day of August next, the sessions of the district court of the United States for the western district of Virginia, required by law to be holden at Clarksburg, shall be held on the first Mondays of April and September annually.

Approved, July 1, 1836.

[No. 45.]—AN ACT explanatory of an act entitled "An act to release from duty iron prepared for, and actually laid on, railways and inclined planes."

Be it enacted, &c. That the act of the fourteenth of July, eighteen hundred and thirty-two, entitled "An act to release from duty iron prepared for, and actually laid on, railways and inclined planes," shall not be so construed as to include spikes, pins, or chains, as railroad iron.

Approved, July 1, 1836.

[No. 46.]—AN ACT to provide for the due execution of the laws of the United States within the State of Michigan.

Be it enacted, &c. That the laws of the United States which are not locally inapplicable, shall have the same force and effect within the State of Michigan, as elsewhere within the United States.

Sec. 2. *And be it further enacted,* That the said State shall be one district, and be called the District of Michigan; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold, at the seat of Government of the said State, two sessions of the said district court annually on the first Mondays in May and October; and he shall in all things have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district under an act entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district, who shall reside and keep the records of the said court at the place of holding the same, and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is by law entitled for similar services.

Sec. 3. *And be it further enacted,* That there shall be allowed to the judge of the said district court the annual compensation of two thousand dollars, to commence from the date of his appointment, to be paid quarterly at the Treasury of the United States.

Sec. 4. *And be it further enacted,* That there shall be appointed in the said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid annually by the United States two hundred dollars, as a full compensation for all extra services; the said payment to be made quarter-yearly at the Treasury of the United States.

Sec. 5. *And be it further enacted,* That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed and allowed to marshals in other districts, and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services: *Provided, however,* That this act shall not take effect until the State of Michigan shall be admitted into the Union, according to the provisions of the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions."

Approved, July 1, 1836.

[No. 10.]—A RESOLUTION to apply the unexpended balance of the appropriation for the Potomac bridge to the improvement of Maryland avenue, leading thereto, and for other purposes.

Resolved, &c. That the balance of the appropriation for the construction of the bridge across the Potomac, at the city of Washington, remaining unexpended after the said bridge shall have been repaired in obedience to the directions contained in the joint resolution passed for that purpose at the present session of Congress, be, and the same hereby is, appropriated, to be applied, under the direction of the Commissioner of Public Buildings, towards the gradnation, gravelling, and planting of the Maryland avenue, in said city, from its eastern extremity to the said bridge, in equal proportions on the east and west of the Capitol, according to distance.

Sec. 2. *And be it further resolved,* That it shall be the duty of the Commissioner of Public Buildings to attend to the draws, cause the bridge to be properly lighted, to guard against wanton injuries and obstructions, and to preserve a due police on and near it, so as to insure the safety of passengers and of the public property; that said Commissioner shall receive for his services the yearly compensation of three hundred dollars, and be authorized to employ three assistants, at a compensation not exceeding one dollar and fifty cents a day.

Approved, July 1, 1836.

[No. 47.]—AN ACT to regulate the compensation of certain officers of revenue cutters.

Be it enacted, &c. That in lieu of pay, rations, and all other allowances now authorized by law to the captains and first, second, and third lieutenants of the revenue cutters of the United States, there shall be allowed and paid, quarterly, from and after the passage of this act, to each captain at the rate of twelve hundred dollars per annum; to each first lieutenant, at the rate of nine hundred and sixty dollars per annum; to each second lieutenant, at the rate of eight hundred and sixty dollars per annum; to each third lieutenant, at the rate of seven hundred and ninety dollars per annum.

Approved, July 2, 1836.

[No. 48.]—AN ACT making appropriations for the suppression of Indian hostilities and for other purposes.

Be it enacted, &c. That the balance of the appropriation of one million of dollars, made by the act of April twenty-nine, eighteen hundred and thirty-six, and now remaining in the Treasury, shall be, and the same is hereby, made applicable to the payment of any expenditures authorized by the said act, and rendered necessary by the calling out by the President of the United States of any part of the militia or volunteers of the United States for the suppression or prevention of any Indian hostilities.

Sec. 2. *And be it further enacted,* That the sum of two million four hundred thousand dollars shall be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been or may be incurred in preventing or suppressing the hostilities of any Indians, by calling out, under the direction of the President of the United States, any part of the militia or volunteers according to the provisions of the Constitution and laws; which sum, if expended, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of January second, seventeen hundred and ninety-five, of the act of April fifth, eighteen hundred and thirty-two, making appropriations for the support of the Army, and the act of March nineteen, eighteen hundred and thirty-six, providing for the payment of volunteers and militia corps in the service of the United States.

Approved, July 2, 1836.

[No. 49.]—AN ACT to grant to the New Orleans and Nashville Railroad Company the right of way through the public lands of the United States.

Be it enacted, &c. That there be, and is hereby, granted to the New Orleans and Nashville Railroad Company, incorporated by the several States through which the said road is intended to pass, the right of way through such portion of the public lands as remain unsold: *Provided,* That the portion of the public lands occupied therefor shall not exceed eighty feet in breadth; that the route of the said road shall be surveyed and designated through the public lands by plain marks or monuments, and copies of the notes of survey, with a plat or plats thereof, and a description of the said landmarks or monuments, and their connexion with the prior official surveys of the adjacent lands, be transmitted to the General Land Office in Washington within sixty days after the said surveys and plats are completed, and that they be completed within two years from the date of this act.

Sec. 2. *And be it further enacted,* That for such depots, watering places, and workshops as may be essential to the convenient use of the said road, there be also granted to the said company such portions of the public land as they may, under like restrictions and conditions, select, on either side of the said road: *Provided,* That not more than five acres, to be laid off in a square form, shall be selected for such use or purpose at any one place: *Provided, also,* That not more than one such square shall be granted for every fifteen miles of the said road lying within the public lands: *And provided, moreover,* That such selections shall be approved by the Secretary of the Treasury for the time being.

Sec. 3. *And be it further enacted,* That, so long as the public lands in the vicinity of the said road shall remain unsold, the said company shall have power to take therefrom such materials of earth, stone, or wood as may be necessary for the construction of the said road: *Provided,* That the grants herein contained, as well of the use of the public lands as of the materials for the construction of the said road, shall cease and determine, unless the road be begun within the period of two years from the date of this act, and completed within eight years thereafter: *And provided, moreover,* That, if the said road shall, at any time after its completion, be discontinued or abandoned by the said company, the grants hereby made shall cease and determine.

Approved, July 2, 1836.

[No. 50.]—AN ACT to renew the gold medal struck and presented to General Morgan, by order of Congress, in honor of the battle of the Cowpens.

Be it enacted, &c. That, in pursuance of the request of Morgan Neville, in his memorial presented at the present session of Congress, the Director of the Mint be, and he is hereby, authorized and directed to cause to be struck a gold medal of the intrinsic value of one hundred and fifty dollars, in honor of the battle of the Cowpens, which was fought on the seventeenth day of January, seventeen hundred and eighty-one, to replace the original medal presented by a resolution of the Continental Congress, of March ninth, seventeen hundred and eighty-one, to Brigadier General Daniel Morgan: the said medal to be struck from the original die, and delivered, when executed, to the said Morgan Neville, the lineal heir of General Morgan; the expense of the same to be paid out of any money in the Treasury not otherwise appropriated.

Approved, July 2, 1836.

[No. 51.]—AN ACT to repair and extend the United States arsenal at Charleston, South Carolina.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized and directed to cause such repairs and improvements to be made to the United States arsenal in Charleston, South Carolina, as may be deemed necessary for the public service; and that the sum of twenty thousand dollars be, and the same is hereby, appropriated for this purpose, out of any moneys in the Treasury not otherwise appropriated.

Approved, July 2, 1836.

[No. 52.]—AN ACT to provide for the better protection of the Western frontier.

Be it enacted, &c. That the President be, and he is hereby, authorized to cause to be surveyed and opened a military road, from some point upon the right bank of the Mississippi river, between the mouth of St. Peter's and the mouth of the Des Moines river, upon such route as may appear best calculated to effect the purposes of this act, to Red river.

Sec. 2. *And be it further enacted,* That the said road shall pass west of the State of Missouri and of the Territory of Arkansas, on condition that the assent of the Indian tribes who have not heretofore given their assent, through whose territory said road is to pass, shall be first obtained; and if such assent cannot be obtained, then east of the western boundaries of said State and Territory; and shall be so constructed as to enable troops to move along the same with proper facility. And the following mode of construction shall be adopted, subject to such alterations as the President may, from time to time, direct to be made. The timber shall be cut down to a reasonable width, and the wet and marshy places shall be causewayed or otherwise rendered passable; cheap bridges shall be erected over the smaller streams, not having good fords across them; and, where it may be found necessary, the road may be thrown up in the centre.

Sec. 3. *And be it further enacted,* That the military posts shall be constructed at such places along the said road as, in the opinion of the President, may be most proper for the protection of the frontier, and for the preservation of the necessary communication.

Sec. 4. *And be it further enacted,* That the troops of the United States shall be employed in performing the labor herein required, whenever, in the opinion of the President, the same can be done with a just regard to their other duties; and the other labor rendered necessary shall be procured in such manner as the President may direct.

Sec. 5. *And be it further enacted,* That the sum of one hundred thousand dollars shall be, and the same is hereby, appropriated, to be applied towards the accomplishment of the objects specified by this act.

Approved, July 2, 1836.

[No. 53.]—AN ACT making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for carrying on and completing certain works heretofore commenced, viz.

For continuing the Delaware breakwater, one hundred thousand dollars.

For continuing the improvement of the harbor of Chicago, Illinois, thirty-two thousand dollars.

For continuing the improvement of Big Sodus bay, twelve thousand six hundred dollars.

For the continuation of the works for the preservation of the beach at Provincetown harbor, Massachusetts, four thousand four hundred dollars.

For the continuation of the works for the preservation of Plymouth beach, Massachusetts, five hundred dollars.

For the continuation of the works at the harbor near the mouth of the river Raisin, Michigan Territory, fifteen thousand dollars.

For continuing the removal of obstructions at Black river, Ohio, six thousand six hundred and sixty dollars.

For continuing the permanent improvement of Cleveland harbor, Ohio, fifteen thousand dollars.

For continuing the removal of obstructions at Grand river, Ohio, six thousand dollars.

For continuing the removal of obstructions at Cunningham creek, Ohio, one thousand two hundred and seventy-five dollars.

For continuing the removal of obstructions at Conneaut creek, Ohio, two thousand five hundred dollars.

For continuing the improvement of the harbor of Presque Isle, Pennsylvania, according to Col. Totten's recommendation, fifteen thousand dollars.

For continuing the improvement at Dunkirk harbor, New York, eleven thousand dollars.

For a dredging machine on Lake Erie, eight thousand dollars.

For continuing the works at the mouth of Genesee river, New York, twenty thousand dollars.

For continuing the pier and mole at Oswego harbor, New York, twenty thousand dollars.

For continuing the pier at Kennebunk, Maine, seven thousand five hundred dollars.

For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, one hundred thousand dollars, to be expended according to the plan and estimate recommended by the Secretary of War.

For continuing the improvement of the harbor of Newcastle, Delaware, twenty-five thousand dollars.

For continuing the removal of obstructions at Ocracock inlet, North Carolina, nine thousand dollars.

For continuing the improvement of the navigation of the Cape Fear river, below Wilmington, North Carolina, twenty thousand dollars.

For the improvement of the navigation of the Ohio river between Pittsburg and the falls of the Ohio, twenty thousand dollars; which, together with the unexpended balance of the appropriation for this purpose by the act of the third of March, A. D. eighteen hundred and thirty-five, shall be expended by direction of the Secretary of War, under the superintendence of the officers of the engineer corps heretofore employed on that service.

For the improvement of the navigation of the Ohio and Mississippi rivers from Louisville to New Orleans, sixty thousand dollars.

For the improvement of the Mississippi river, above the mouth of the Ohio river, and for the Missouri river, forty thousand dollars, to be expended in such manner, and for the removal of such obstructions, as the Secretary of War shall direct.

For continuing the removal of obstructions in Red river, Louisiana, and Territory of Arkansas, forty thousand eight hundred dollars.

For constructing a boat to prevent a new accumulation of obstruction in said river, within the old limits of the Great Raft, so called, fifteen thousand dollars, and the additional sum of fifteen thousand dollars to work and support the same.

For continuing the improvement of the Cumberland river, in Kentucky and Tennessee, twenty thousand dollars.

For continuing the removal of obstructions in the Chipola river, in the Territory of Florida, four thousand dollars.

For completing the inland channel between St. Mary's and St. John's, in the Territory of Florida, in addition to unexpended appropriations, according to the estimate of the Engineer Department, five thousand dollars.

For continuing the removal of obstructions in, and improving the navigation of, the Escambia river, in the Territory of Florida, five thousand five hundred dollars.

For further improvements at the mouth of Huron river, in the State of Ohio, four thousand three hundred dollars.

And the following sums, necessary to close accounts in the office of the Third Auditor, viz.

For removing obstructions at Cunningham creek, Ohio, thirty-two dollars and thirty-six cents.

For completing the pier at La Plaisance bay, Michigan Territory, three hundred and twenty-three dollars and fifteen cents.

For removing obstructions at Cleveland harbor, Ohio, six dollars and fifty-nine cents.

For repairing breach in the peninsula, at Presque Isle, one hundred and twenty-two dollars and eighty cents.

For erecting a beacon light at Erie, Pennsylvania, sixty-nine dollars and sixty-nine cents.

For erecting a light-house at Buffalo, New York, four hundred and ninety-four dollars and seventy-eight cents.

For improvement of the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans, under the act of second of March, eighteen hundred and thirty-one, seventeen thousand eight hundred dollars and five cents.

For defraying the expenses incidental to making examinations and surveys, under the act of the thirtieth of April, eighteen hundred and twenty-four, of which sum five thousand dollars shall be appropriated and applied to geological and mineralogical surveys and researches in the Indian country on the public lands, and in the Territories of the United States, thirty thousand dollars.

Approved, July 2, 1836.

[No. 54.]—AN ACT to extend the charters of certain Banks in the District of Columbia, and for other purposes.

Be it enacted, &c. That the charters of the several Banks herein enumerated, namely: the Union Bank and Farmers and Mechanics' Bank of Georgetown; the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington; and the Farmers' Bank of Alexandria and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended till the fourth day of July, eighteen hundred and thirty-eight.

Approved, July 2, 1836.

[No. 55.]—AN ACT regulating the terms of the superior courts of the middle district of Florida, and for other purposes.

Be it enacted, &c. That an act entitled "An act to alter and change the terms of the superior court for the middle district of Florida," passed by the Governor and Legislative Council of said Territory, and approved February twelfth, eighteen hundred and thirty-six, be, and the same is hereby, approved, so far as it does not interfere with the terms of the court directed to be holden in the county of Franklin, which has been annexed to the said middle district.

Sec. 2. *And be it further enacted,* That if, in any prosecution for piracy, or any other criminal offence against the laws of the United States, or of the Territory of Florida, it shall be found impracticable to obtain a sufficient number of jurors for the trial of any person or persons charged with said criminal offences in the southern judicial district of Florida, it shall be lawful for the judge to send said person or persons, with the indictment and other papers, to the eastern or middle district for trial, and to take recognizances from the witnesses to appear in the said eastern or middle district, in the same manner as he is empowered by law to do in the district of which he is the judge.

Sec. 3. *And be it further enacted,* That an act to amend the act entitled "An act incorporating the town of Appalachicola," approved twelfth of February, eighteen hundred and thirty-six, and "An act to change the county seat of the county of Franklin," passed January fourteenth, and approved January seventeenth, eighteen hundred and thirty-six, be, and the same are hereby, annulled.

Sec. 4. *And be it further enacted,* That so much of the ac of the Legislative Council as directs a superior court for the southern judicial district at Indian Key be, and the same is hereby, annulled.

Approved, July 2, 1836.

[No. 56.]—AN ACT for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes.

Be it enacted, &c. That the tracts of land in the Territory of Wisconsin, including the towns of Fort Madison and Burlington, in the county of Des Moines; Belleview, Du Buque, and Peru, in the county of Du Buque; and Mineral Point, in the county of Iowa, shall, under the direction of the surveyor of the public lands, be laid off into town lots, streets, avenues, and the lots for public use called the public squares, and into out-lots, having regard to the lots and streets already surveyed, in such manner and of such dimensions as he may think proper for the public good and the equitable rights of the settlers and occupants of the said towns: *Provided,* The tracts of land so to be laid off into town lots, &c. shall not exceed the quantity of one entire section, nor the town lots one-half of an acre; nor shall the out-lots exceed the quantity of four acres each. When the survey of the lots shall be completed, a plat thereof shall be returned to the Secretary of the Treasury, and within six months thereafter the lots shall be offered to the highest bidder, at public sale, under the direction of the President of the United States, and at such other times as he shall think proper: *Provided,* That no town lot shall be sold for a sum less than five dollars: *And provided, further,* That a quantity of land of proper width, on the river banks at the towns of Fort Madison, Belleview, Burlington, Du Buque, and Peru, and running with the said rivers the whole length of said towns, shall be reserved from sale, (as shall also the public squares,) for the public use, and remain forever for public use, as public highways and for other public uses.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said surveyor to class the lots already surveyed in the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru, and Mineral Point, into three classes, according to the relative value thereof, on account of situation and eligibility for business, without regard, however, to the improvements made thereon; and, previous to the sale of said lots as aforesaid, each and every person or persons, or his, her, or their legal representatives, who shall heretofore have obtained from the agent of the United States a permit to occupy any lot or lots in the said towns, or who shall have, by building or enclosure, actually occupied or improved any lot or lots in the said towns, or within the tracts of land hereby authorized to be laid off into lots, shall be permitted to purchase such lot or lots by paying therefor, in cash, if the same fall within the first class as aforesaid, at the rate of forty dollars per acre; if within the second class, at the rate of twenty dollars per acre; and if within the third class, at the rate of ten dollars per acre: *Provided,* That no one of the persons aforesaid shall be permitted to purchase, by authority of this section, more than one acre of ground, to embrace improvements already made.

Sec. 3. *And be it further enacted,* That the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expenses of surveying the lands covering the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru, and Mineral Point.

Approved, July 2, 1836.

[No. 57.]—AN ACT for the payment of certain companies of the militia of Missouri and Indiana, for services rendered against the Indians in eighteen hundred and thirty-two.

Be it enacted, &c. That the Secretary of War be, and he hereby is, authorized and directed to ascertain the sums severally due to those persons who performed duty in the companies commanded by Captains Smith Crawford, George Wallis, and Matthew P. Long, of the militia of Missouri, and in the company of Captain D. Siglor, of the militia of Indiana, for the protection of the frontiers of those States against the Indians; and to cause them to be paid for the time they were actually engaged in said service in the year eighteen hundred and thirty-two, at the rate and according to the principles established for the payment of similar services rendered the United States; for the purpose of effecting which, the sum of four thousand three hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved, July 2, 1836.

[No. 58.]—AN ACT for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois.

Be it enacted, &c. That the sum of two hundred thousand dollars be, and the same is hereby, appropriated for the purpose of continuing the Cumberland road in the State of Ohio; that the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated for continuing the Cumberland road in the State of Indiana, including materials for erecting a bridge across the Wabash river; and that the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated for continuing the Cumberland road in the State of Illinois; which sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, and Illinois and Missouri into the Union on an equal footing with the original States: *Provided,* That the expenditure of the appropriation herein made for the State of Illinois shall be limited to the graduation and bridging of the road therein, and shall not be construed as pledging Congress to future appropriations for the purpose of MacAdamizing the same.

Sec. 2. *And be it further enacted,* That the moneys hereby appropriated for the construction of the said road in the States of Ohio and Indiana be expended in completing the greatest possible continuous portion of said road in the said States, so that such finished parts thereof may be surrendered to the said States respectively.

Approved, July 2, 1836.

[No. 59.]—AN ACT making appropriations for the Military Academy of the United States for the year eighteen hundred and thirty-six.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the sppport of the Military Academy for the year one thousand eight hundred and thirty-six, viz.

For pay of the officers, cadets, and musicians, fifty-six thousand and twelve dollars.

For subsistence of officers and cadets, thirty-nine thousand five hundred and sixty-six dollars.

For forage of officers' horses, one thousand one hundred and fifty-two dollars.

For clothing of officers' servants, three hundred and thirty dollars.

For defraying the expenses of the Board of Visiters at West Point, two thousand dollars.

For arrearages of the same in eighteen hundred and thirty-four and eighteen hundred and thirty-five, three hundred and eighty-two dollars and forty-eight cents.

For fuel, forage, stationery, printing, transportation, and postage, twelve thousand five hundred and thirty-five dollars.

For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences, nine thousand and sixty-six dollars.

For pay of adjutant's and quartermaster's clerks, nine hundred and fifty dollars.

For philosophical apparatus and repairs of the same, three hundred dollars.

For models for the department of engineering, five hundred dollars.

For models for the drawing department, apparatus and contingencies for the department of chemistry, and instruments and repairs for the mathematical department, one thousand two hundred and thirty-five dollars.

For the purchase and repairs of instruments for the band, three hundred and ninety-two dollars.

For incidental expenses of the department of artillery, fifty dollars.

For increase and expenses of the library, eight hundred dollars.

For miscellaneous items and incidental expenses, two thousand two hundred and ninety-three dollars.

For completing the chapel, three thousand five hundred dollars.

For compensation to the acting professor of chemistry for services in his department from September first, eighteen hundred and thirty-five, to September first, eighteen hundred and thirty-six, at twenty-five dollars per month, three hundred dollars; for the ensuing year, three hundred dollars.

Approved, July 2, 1836.

[No. 60.]—AN ACT to confirm sales of public lands in certain cases.

Be it enacted, &c. That in all cases where public lands, taken from the bounds of a former land district, and included within the bounds of a new district, have been sold by the officers of such former district, under the pre-emption laws or otherwise, at any time prior to the opening of the land office in such new district, and in which the Commissioner of the General Land Office shall be satisfied that the proceedings in other respects have been fair and regular, such entries and sales shall be, and are hereby, confirmed; and patents shall be issued thereupon, as in other cases.

Sec. 2. *And be it further enacted,* That in all cases where any entry has been made under the pre-emption laws, pursuant to instructions sent to the Register and Receiver from the Treasury Department, and the proceedings have been in all other respects fair and regular, such entries and sales are hereby confirmed, and patents shall be issued thereon, as in other cases.

Approved, July 2, 1836.

[No. 61.]—AN ACT making further appropriations for carrying into effect certain Indian treaties.

Be it enacted, &c. That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect certain Indian treaties, viz.

For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the twenty-ninth of December, one thousand eight hundred and thirty-five, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of said treaty, four million five hundred thousand dollars.

For extinguishing the title of certain half-breeds to reservations granted them in the treaty with the Osages, in eighteen hundred and twenty-five, according to the fourth article of the aforesaid treaty with the Cherokees, fifteen thousand dollars.

For payment for the improvements on the missionary reservations at Union and Harmony, according to the same article of the said treaty with the Cherokees, twenty-five thousand dollars.

For commutation of the permanent annuity of ten thousand dollars, according to the eleventh article of said treaty, two hundred and fourteen thousand dollars.

For compensation of two commissioners, for two years, to examine claims, according to the seventeenth article of said treaty, at eight dollars per day each, eleven thousand six hundred and eighty dollars.

For compensation to a secretary for two years, at five dollars per day, according to the same article of said treaty, three thousand six hundred and fifty dollars.

For compensation to an interpreter for two years, at two dollars and fifty cents per day, according to the same article of said treaty, one thousand eight hundred and twenty-five dollars.

For the advance of two years' annuity on the fund of seven hundred and fifty thousand dollars, to be invested for the Cherokees according to the eighteenth article of said treaty, seventy-five thousand dollars.

For the removal of the Cherokees and for spoliations, according to the third article of the supplementary treaty with the Cherokees, of the first of March, one thousand eight hundred and thirty-six, six hundred thousand dollars.

For expenses attending the negotiation of the said treaty, and of the delegation, according to the fifth article of said supplemental treaty, thirty-seven thousand two hundred and twelve dollars.

For surveying the land set apart by treaty stipulations for the Cherokee Indians west of the Mississippi river, seven thousand dollars.

For carrying into effect the stipulations of the fourth article of the treaty concluded with the Ottawa and Chippewa nations of Indians, twenty-eighth March, and an article supplementary thereto, the thirty-first of March, one thousand eight hundred and thirty-six, viz.

For the annuity in specie, thirty thousand dollars.

For education, teachers, and expenses incidental thereto, five thousand dollars.

For missions, three thousand dollars.

For agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper, ten thousand dollars.

For vaccine matter, medicines, and services of physicians, three hundred dollars.

For provisions, two thousand dollars.

For six thousand five hundred pounds of tobacco, eight hundred and twenty-five dollars.

For one hundred barrels salt, two hundred and fifty dollars.

For five hundred fish barrels, four hundred and fifty dollars.

For goods and provisions to be delivered at Michilimackinac, one hundred and fifty thousand dollars.

For interest to be paid annually as annuities, on the sum of two hundred thousand dollars, per resolution of the Senate, appended to the treaty, twelve thousand dollars.

For the payment of the just debts against the Indians, according to the fifth article of said treaty, as ratified by the Senate, three hundred thousand dollars.

For carrying into effect the sixth article of said treaty, viz.

For commutation in lieu of reservations to half-breeds, one hundred and forty-five thousand dollars.

For taking a census of the Indian half-breed population, one thousand two hundred dollars.

For the pay and travelling expenses of a commissioner, one thousand dollars.

For compensation and expenses of clerk, and for stationery, postage, witnesses, messengers to collect Indians, and canoes for them, subsistence for two thousand Indians for twenty days, fuel for them while on the island, and other incidental expenses attending the commission, three thousand dollars.

For carrying into effect the seventh article of said treaty, viz.

For pay of two additional blacksmiths, nine hundred and sixty dollars.

For two strikers, four hundred and eighty dollars.

For building a blacksmith shop on reservation north of Grand river, seven hundred and fifty dollars.

For iron, steel, coal, and tools for two shops, five hundred dollars.

For the purchase of one new set of blacksmith's tools for shop on reservation, one hundred and seventy-five dollars.

For rebuilding shop at Mackinac, and adding an armorer's room, eight hundred and fifty dollars.

For a gunsmith, four hundred and eighty dollars.

For purchasing a set of gunsmith's tools, one hundred dollars.

For two additional interpreters, six hundred dollars.

For building a dormitory at Mackinac, and for stoves and furniture, four thousand eight hundred dollars.

For the keeper of the dormitory, six hundred dollars.

For one hundred and fifty cords of wood for the dormitory, three hundred and seventy-five dollars.

For two farmers, one thousand dollars.

For two assistant farmers, six hundred dollars.

For two mechanics, twelve hundred dollars.

For carrying into effect the eighth article of said treaty, viz.

For the expenses of a delegation of twenty Indians, with an officer, three assistants, an interpreter, a guide, with two assistants to explore the country, and for the purchase of horses, and other expenses incidental to the expedition, twelve thousand dollars.

For payment of such improvements as give additional value to the land ceded, twenty thousand dollars.

For payment for the church on the Cheboigan, nine hundred dollars.

For extinguishing the claim of certain half-breeds, in lieu of reservations, according to the ninth article of said treaty, viz.

To Rix Robinson, in lieu of a section at thirty-six dollars per acre, twenty-three thousand and forty dollars.

To Leonard Slater, in trust for Chiminoaoquat, one section at ten dollars per acre, six thousand four hundred dollars.

To John A. Drew, one and three quarter sections, at four dollars per acre, four thousand four hundred and eighty dollars.

To Edward Biddle, one section at three dollars per acre, one thousand nine hundred and twenty dollars.

To John Holiday, five sections at one dollar and twenty-five cents per acre, four thousand dollars.

To Eliza Cook, Sophia Biddle, and Mary Holiday, one section each, at two dollars and fifty cents per acre, four thousand eight hundred dollars.

To Augustin Hamelin, Jr. two sections at one dollar and twenty-five cents per acre, one thousand six hundred dollars.

To William Lusley, Joseph Daily, Joseph Trotier, and Henry A. Lenake, two sections each, at one dollar and twenty-five cents per acre, six thousand four hundred dollars.

To Luther Rice, Joseph Leframbois, Charles Butterfield, George Moran, Louis Moran, G. D. Williams, and Daniel Marsac, one section each, at one dollar and twenty-five cents per acre, five thousand six hundred dollars.

For payment to the chiefs on ratification of the treaty, according to the tenth article of the same, thirty thousand dollars.

For life annuity to two chiefs, provided for in the eleventh article of said treaty, one hundred and fifty dollars.

For expenses attending the conclusion of the treaty at Washington, according to the twelfth article of the same, fifteen thousand four hundred and three dollars and twenty-five cents.

For transportation and other incidental expenses in executing said treaty, two thousand dollars.

Provided, however, That no part of the above appropriation for carrying into effect the treaty with the Chippewas and Ottawas shall be drawn from the Treasury, except what may be necessary for the expenses of collecting and subsisting the Indians, and for the expenses of concluding the treaty, heretofore incurred, and to enable a commissioner to proceed to Michilimackinac for the purpose of examining the claims of the half breeds, until the assent of the said Indians shall be given to the change proposed by the resolution of the Senate. Arrangements may be made under the direction of the President for paying to the Indians the money and goods as soon as their assent to such change is given. But no responsibility in relation to such delivery, shall be incurred by the United States previous thereto, nor shall the said commissioner enter upon his duties.

For carrying into effect the stipulations of the third article of the treaty concluded with the Swan creek and Black river bands of the Chippewa nation, of the ninth of May, eighteen hundred and thirty-six, viz.

For an advance in money on the ratification of the treaty, two thousand five hundred dollars.

For the purchase of goods, four thousand dollars.

For expenses of the treaty, the journeys of the Indians to and from Washington, subsistence and other expenses, three thousand eight hundred and two dollars and sixty-seven cents.

For transportation and incidental expenses, one thousand dollars.

For carrying into effect the stipulations of the treaties concluded with certain bands of the Pottawatamie Indians of Indiana, in March and April, eighteen hundred and thirty-six, viz.

For payment of the sum stipulated in the second article of the treaty of twenty-sixth March, eighteen hundred and thirty-six, with Mes-qua-back and his band, for a cession of land to the United States, two thousand five hundred and sixty dollars.

For payment of the sum stipulated in the third article of the treaty of the twenty-ninth March, eighteen hundred and thirty-six, with Wawkewa and his band, for a cession of land to the United States, two thousand five hundred and sixty dollars.

For payment of the sum stipulated in the second article of the treaty of eleventh April, eighteen hundred and thirty-six, with Aub-ba-naub-ba and his band, for a cession of land to the United States, eleven thousand five hundred and twenty dollars.

For payment of the sum stipulated in the second article of the treaty of twenty-second April, eighteen hundred and thirty-six, with Kee-waw-nee and his band, for a cession of land to the United States, six thousand four hundred dollars.

For payment of the sum stipulated in the second article of the treaty of twenty-second April, eighteen hundred and thirty-six, with Nashwawbee and his band, for a cession of land to the United States, one thousand nine hundred and twenty dollars.

For expenses attending the negotiation of the said treaties with the Pottawatamies, six hundred and thirty-six dollars and seventy-five cents.

To defray the expense of removing the Choctaw Indians residing in the State of Mississippi to the country provided for them west of the Mississippi river, thirty thousand dollars.

Sec. 2. *And be it further enacted,* That the Secretary of War is hereby authorized to direct the account to be closed, upon the production of proper vouchers, for blankets delivered to the Cherokees by order of the commissioner.

Sec. 3. *And be it further enacted,* That the pension allowed by an act of the present session of Congress to Colonel Gideon Morgan shall be paid to him from the date of his disability to the twenty-seventh of March, eighteen hundred and fourteen, agreeably to the fourteenth article of the said treaty with the Cherokees; and that the sum of eight thousand dollars be appropriated for that purpose.

Sec. 4. *And be it further enacted,* That no part of the appropriation heretofore made for the eastern Creeks shall be paid to any Indians who have been engaged in hostilities against the United States, unless in such change of circumstances as may induce the President of the United States to direct the same to be paid: *Provided, however,* That the whole of the annuity due to the Seminole Indians and to the eastern Creeks may be paid to the friendly portion of those tribes, respectively, unless otherwise directed by the President.

Sec. 5. *And be it further enacted,* That the funds appropriated by the act of June fourteenth, eighteen hundred and thirty-six, entitled "An act making appropriations for the current expenses of the Indian Department, for Indian annuities and other similar objects, for the year eighteen hundred and thirty-six, for the removal of the Winnebago Indians, may be expended upon such of the said Indians as actually remove, and upon no others. And the said Indians shall be removed either to the neutral ground, or such country as may be assigned to them by treaty on the southwest side of the river Missouri.

Approved, July 2, 1836.

[No. 62.]—AN ACT making appropriations for certain fortifications of the United States for the year one thousand eight hundred and thirty-six, and for other purposes.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, for certain fortifications, viz.

For the preservation of Castle Island and repairs of Fort Independence, Boston harbor, one hundred thousand dollars.

For Fort Warren, Boston harbor, two hundred thousand dollars.

For Fort Adams, Rhode Island, two hundred thousand dollars.

For Fort Schuyler, East river, New York, two hundred thousand dollars.

For repairs of Fort Columbus and Castle William, and officers' quarters, on Governor's Island, New York harbor, twenty thousand dollars.

For Fort Delaware, Delaware river, one hundred and fifty thousand dollars.

For Fort Calhoun, Virginia, one hundred and fifty thousand dollars.

For Fort Caswell, Oak Island, North Carolina, sixty thousand dollars.

For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, one hundred and fifty thousand dollars.

For Fort Pulaski, Cockspur Island, Georgia, one hundred and seventy thousand dollars.

For Fort Pickens, Pensacola, Florida, fifty thousand dollars.

For the Fort at Foster's Bank, Florida, one hundred and sixty thousand dollars.

For incidental expenses attending repairs of fortifications, and for the purchase of additional land in their neighborhood, one hundred thousand dollars.

For contingencies of fortifications, ten thousand dollars.

For the purchase of land and the right of way on Throg's Point, in Long Island Sound, being the balance of the appropriation of one thousand eight hundred and twenty-six, carried to the surplus fund the first of January, one thousand eight hundred and twenty-nine, two thousand dollars.

And the following sums, necessary to close accounts in the office of the Third Auditor, viz.

For a fort on Cockspur Island, Georgia, two thousand three hundred and eight dollars and fifty-six cents.

For contingencies of fortifications, sixty-one dollars and eight cents.

For fortifications at Pensacola, one thousand two hundred and twenty-three dollars and thirty-one cents.

For the armament of fortifications, in addition to the amount included in the bill making appropriations for the support of the Army for one thousand eight hundred and thirty-six, including cannon, mortars, howitzers, gun-carriages, howitzer-carriages, mortar-beds, powder, cannon balls, shells, and for the transportation of ordnance and ordnance stores; and for the purchase of twenty acres of land adjoining the Kennebeck arsenal, Maine; and the purchase of land and enclosing the rear of the public ground with a brick wall, and coping at the Frankford arsenal, Pennsylvania; and constructing a forging shop one story high, seventy-five by forty feet, of brick, at the arsenal, Watertown, Massachusetts; and in the purchase of a steam engine of eight-horse power; and for the quarters of officers at Fort Monroe arsenal, four hundred thousand dollars.

For Fort McHenry, Redoubt Wood, and Covington Battery, near Baltimore, fifty thousand dollars.

For Fort Monroe, one hundred and fifty thousand dollars.

For the repairs of Fort Marion, and the sea-wall at St. Augustine, Florida, fifty thousand dollars.

For knapsacks and camp equipage, authorized by the act approved nineteenth of March, one thousand eight hundred and thirty-six, for volunteers or militia, fifty-two thousand seven hundred and five dollars.

For accoutrements for the army, one hundred and two thousand three hundred and five dollars.

For the purchase of sites and the construction of arsenals for the deposite of arms in Arkansas, Missouri, and at Memphis, in Tennessee, forty-two thousand two hundred and fifty-six dollars: *Provided,* That the cost of such arsenals shall not exceed fourteen thousand dollars each.

For the purchase of twenty-eight fire engines, and the necessary apparatus, twenty-two thousand four hundred dollars.

For storehouses at Newport, Kentucky, one thousand five hundred dollars.

For purchasing seven acres of land, including the site of the powder magazine attached to the arsenal at Saint Louis, Missouri: *Provided*, the same shall be ascertained not to be on land of the United States, two thousand one hundred dollars.

For erecting a piazza in front of the building occupied as barracks by the troops at Augusta arsenal, Georgia, four hundred and fifty dollars.

For barracks, quarters, storehouses, hospital, stables, and materials for the same at Fort Jesup, Louisiana, twenty-five thousand dollars.

For rebuilding the wharf, and materials for the same, at Fort Wolcott, Newport, Rhode Island, five hundred dollars.

For constructing a wood-yard, and a wood-yard wharf, and for materials for the same, at Fort Monroe, Virginia, one thousand dollars.

For constructing a wharf, and for materials for the same, at Fort Severn, Maryland, one thousand dollars.

For rebuilding and repairing barracks, quarters, the hospitals, storehouses, and materials for same, at Fort Brady, Michigan Territory, five thousand dollars.

For the purchase of land adjoining Fort Sullivan, and the buildings thereon, three thousand seven hundred and fifty dollars.

For the following objects, in addition to former appropriations for the same:

For national armory at Harper's Ferry, seventy-seven thousand eight hundred and ninety-seven dollars.

For national armory at Springfield, forty-five thousand dollars.

For the purchase or manufacture of light brass and iron field artillery, and for construction of field artillery carriages, caissons, and travelling forges, one hundred and thirty-seven thousand one hundred and ninety dollars.

For the construction of furnaces for heating cannon balls, twelve thousand dollars.

Sec. 2. *And be it further enacted*, That the President of the United States is hereby authorized, under the restrictions of the act of the first of May, eighteen hundred and twenty, to make transfers from one head of appropriations for fortifications, to that of another for a like object, whenever, in his opinion, the public interest shall require it.

Sec. 3. *And be it further enacted*, That the several sums of money appropriated by this act, and all other sums which have been or may be appropriated during the present session of Congress, shall be drawn from the Treasury, or paid over to the disbursing officers or agents of the Government, only as the same may be required by the several objects of expenditure authorized by law.

Approved, July 2, 1836.

[No. 63.]—AN ACT to amend an act entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes," approved fifth of February, eighteen hundred and twenty-nine.

Be it enacted, &c. That all acts and duties required to be done and performed by the surveyor of the States of Illinois and Missouri, and the Territory of Arkansas, under the act to which this is an amendment, shall be done and performed by a board of commissioners of three in number, any two of whom shall form a quorum to do business; said commissioners to be appointed by the President of the United States, and shall, previous to their entering upon the discharge of their duties, take an oath or affirmation to perform the same faithfully and impartially.

Sec. 2. *And be it further enacted*, That the said commissioners shall have power to hear evidence and determine all claims to lots of ground arising under the act to which this is an amendment; and for this purpose the said commissioners are authorized to administer all oaths that may be necessary, and reduce to writing all the evidence in support of claims to preemption presented for their consideration; and when all the testimony shall have been heard and considered, the said commissioners shall file with the Register and Receiver of the Land Office at Galena the testimony in each case, together with a certificate in favor of each person having the right of pre-emption; and upon making payment to the Receiver at Galena for the lot or lots to which such person is entitled, the Receiver shall grant a receipt therefor, and issue certificates of purchase, to be transmitted to the General Land Office, as in other cases of the sale of public lands.

Sec. 3. *And be it further enacted*, That the Register and Receiver at Galena, after the board of commissioners have heard and determined all the cases of pre-emption under the act to which this is an amendment, shall expose the residue of lots to public sale to the highest bidder, after advertising the same in three public newspapers at least six weeks prior to the day of sale, in the same manner as is provided for the sale of the public lands in other cases; and after paying to the commissioners the compensation hereinafter allowed them, and all the other expenses incident to the said survey and sale, the Receiver of the Land Office shall pay over the residue of the money he may have received from the sale of lots aforesaid, by preemption as well as at public auction, into the hands of the county commissioners of Jo Daviess county, to be expended by them in the erection of public buildings, and the construction of suitable wharves in the town of Galena.

Sec. 4. *And be it further enacted*, That the commissioners appointed to carry this act into effect shall be paid by the Receiver six dollars each, per day, for their services, for every day they are necessarily employed.

Approved, July 2, 1836.

[No. 64.]—AN ACT to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

Be it enacted, &c. That the revenue arising in the Post Office Department, and all debts due to the same, shall, when collected, be paid under the direction of the Postmaster General, into the Treasury of the United States.

Sec. 2. *And be it further enacted*, That the Postmaster General shall submit to Congress at the next, and each succeeding annual session, specific estimates of the sums of money expected to be required for the service of the Department in the subsequent year, commencing on the first day of July, under the following heads, viz. "Compensation of Postmasters," "Transportation of the Mails," "Ship, Steamboat, and Way Letters," "Wrapping Paper," "Office Furniture," "Advertising," "Mail Bags," "Blanks," "Mail Locks, Keys, and Stamps," "Mail Depredations and Special Agents," "Clerks for Offices," and "Miscellaneous." And the Postmaster General shall render an account to Congress, at each succeeding annual session, of the amounts actually expended for each of the purposes above specified.

Sec. 3. *And be it further enacted*, That the aggregate sum required "for the service of the Post Office Department," in each year, shall be appropriated by law *out of the revenue of the Department*, and that all payments of the receipts of the Post Office Department into the Treasury shall be to the credit of the said appropriation.

Sec. 4. *And be it further enacted*, That the sums appropriated for the service aforesaid shall be paid by the Treasurer in the manner herein directed: *Provided*, That the compensation of postmasters, the expenses of post offices, and such other expenses of the Department for which appropriations have been made, as may be incurred by postmasters, may be deducted out of the proceeds of their offices, under the direction of the Postmaster General: *And provided, also*, That all charges against the Department by postmasters, on account of such expenses, shall be submitted for examination and settlement, to the Auditor herein provided for; and that no such deduction shall be valid, unless the expenditure so deducted be found to have been made in conformity to law: *And provided, also*, That the Postmaster General shall have power to transfer debts due on account of the Department, by postmasters and others, in satisfaction of the legal demands for which appropriations have been made, of such contractors who may be creditors of the Department as shall have given bonds, with security, to refund any moneys that may come into their hands over and above the amount which may be found due to them on the settlement of their accounts.

Sec. 5. *And be it further enacted*, That the Treasurer of the United States shall give receipts for all moneys received by him to the credit of the appropriation for the service of the Post Office Department; which receipts shall be endorsed upon warrants drawn by the Postmaster General, and without such warrant no acknowledgment for money received as aforesaid shall be valid.

Sec. 6. *And be it further enacted*, That the appropriations for the service of the Post Office Department shall be disbursed by the Treasurer out of the moneys paid into the Treasury for the service of the Post Office Department, upon the warrants of the Postmaster General, registered and countersigned as herein provided, and expressing on their faces the appropriation to which they should be charged.

Sec. 7. *And be it further enacted*, That the Treasurer shall render his accounts of the moneys received and paid by him on account of the Post Office Department, quarterly to the Auditor for the Post Office Department, hereinafter provided for, and shall transmit copies of the same, when adjusted by him, to the two Houses of Congress.

Sec. 8. *And be it further enacted*, That there shall be appointed by the President, with the consent of the Senate, an Auditor of the Treasury for the Post Office Department, whose duty it shall be to receive all accounts arising in the said Departments, or relative thereto, to audit and settle the same, and certify their balances to the Postmaster General: ***Provided***, That if either the Postmaster General, or any person whose account shall be settled, be dissatisfied therewith, he may, within twelve months, appeal to the First Comptroller of the Treasury, whose decision shall be final and conclusive. The said Auditor shall report to the Postmaster General, when required, the official forms of papers to be used by postmasters, and other officers or agents of the Department concerned in its receipts and payments, and the manner and form of keeping and stating its accounts. He shall keep and preserve all accounts, with the vouchers, after settlement. He shall promptly report to the Postmaster General all delinquencies of postmasters in paying over the proceeds of their offices. He shall close the accounts of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall register, charge, and countersign, all warrants upon the Treasury for receipts and payments issued by the Postmaster General, when warranted by law. He shall perform such other duties, in relation to the financial concerns of the Department, as shall be assigned to him by the Secretary of the Treasury, and shall make to them, respectively, such reports as either of them may require respecting the same. The said Auditor may frank, and receive, free of postage, letters and packets under the regulations provided by law for other officers of the Government. And all letters and packets to and from the Chief Engineer, which may relate to the business of his office, shall be free of postage.

Sec. 9. *And be it further enacted*, That it shall be the duty of the Postmaster General to decide on the official forms of all papers to be used by postmasters, and other officers or agents of the Post Office Department, concerned in its receipts and payments, and the manner and form of keeping and stating its accounts; to enforce the prompt rendition of the returns of postmasters, and of all certificates, acknowledgments, receipts, and other papers, by postmasters and contractors, relative to the accounts of the Department; to control, according to law, and subject to the settlement of the Auditor, the allowances to postmasters, the expenses of post offices, and all other expenses incident to the service of the Department; to regulate *and direct* the payment of the said allowances and expenses for which appropriations have been made; to superintend the disposition of the proceeds of post offices and other moneys of the Department; to prescribe the manner in which postmasters shall pay over their balances; to grant warrants for money to be paid into the Treasury, and out of the same, in pursuance of appropriations by law, to persons to whom the same shall be certified to be due by the said Auditor: ***Provided***, That advances of necessary sums to defray expenses may be made by the Postmaster General to agents of the Department employed to investigate mail depredations, examine post routes and post offices, and perform other like services, to be charged by the Auditor for the Post Office Department, and be accounted for in the settlement of their accounts.

Sec. 10. *And be it further enacted*, That the Auditor for the Post Office Department shall state and certify, quarterly, to the Postmaster General, accounts of the moneys paid pursuant to appropriations, in each year, by postmasters, out of the proceeds of their offices, towards the expenses of the Department, under each of the heads of the said expenses specified in the second section of this act; upon which the Postmaster General shall issue warrants to the Treasurer of the United States, as in case of the receipt and payment of the said moneys into and out of the Treasury, in order that the same may be carried to the credit and debit of the appropriation for the service of the Post Office Department, on the books of the Auditor for said Department.

Sec. 11. *And be it further enacted*, That the Postmaster General shall, within sixty days after the making of any contract, cause a duplicate thereof to be lodged in the office of the Auditor of the Post Office Department. Upon the death, resignation, or removal of any postmaster, he shall cause his bond of office to be delivered to the said Auditor; and shall also cause to be promptly certified to him all establishments and discontinuances of post offices, and all appointments, deaths, resignations, and removals of postmasters, together with all orders and regulations which may originate a claim, or in any manner affect the accounts of the Department.

Sec. 12. *And be it further enacted*, That the accounts of the Post Office Department shall be kept in such manner as to exhibit the amounts of its revenues, derived respectively from "letter postages," "newspapers and pamphlets," and "fines;" and the amount of its expenditures for each of the following objects, namely: "Compensation of Postmasters," "Transportation of the Mails," "Ship, Steamboat, and Way Letters," "Wrapping Paper," "Office Furniture," "Advertising," "Mail Bags," "Blanks, "Mail Locks, Keys, and Stamps," "Mail Depredations and Special Agents," "Clerks for Offices," and "Miscellaneous."

Sec. 13. *And be it further enacted*, That the bonds and contracts of postmasters, mail contractors, and other agents of the Post Office Department, shall hereafter be made to and with the United States of America; and all suits to be commenced for the recovery of debts or balances due by postmasters and others, or upon bonds or contracts made to or with the present or any former Postmaster General, or for any fines, penalties, or forfeitures, imposed by the laws respecting the Post Office Department, *or by the Postmaster General, pursuant* thereto, shall be instituted in the name of the United States of America; and the demands in such suits shall have all the privileges and priorities in adjudication and payment secured to other claims of the United States by the existing laws: ***Provided***, That actions and suits which may have been instituted in the name of the Postmaster General, previous to the passage of this act, shall not be affected by the provisions of this section.

Sec. 14. *And be it further enacted*, That the Auditor of the Post Office Department shall superintend the collection of all debts due to the Department, and all penalties and forfeitures imposed on postmasters for failing to make returns, or pay over the proceeds of their offices; he shall direct suits and legal proceedings, and take all such measures as may be authorized by law, to enforce the prompt payment of moneys due to the Department.

Sec. 15. *And be it further enacted*, That copies of the quarterly returns of postmasters, and of any papers pertaining to the accounts in the office of the Auditor for the Post Office Department, certified by him under his seal of office, shall be admitted as evidence in the courts of the United States; and in every case of delinquency of any postmaster or contractor, in which suit may be brought, the said Auditor shall forward to the attorney of the United States certified copies of all papers in his office tending to sustain the claim; and in every such case a statement of the account, certified as aforesaid, shall be admitted as evidence, and the court trying the cause shall be thereupon authorized to give judgment and award execution, subject to the provisions of the thirty-eighth section of the act to reduce into one the several acts establishing and regulating the Post Office Department, approved March third, eighteen hundred and twenty-five. No claim for a credit shall be allowed upon the trial but such as shall have been presented to the said Auditor, and by him disallowed in whole or in part, unless it shall be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said Auditor a claim for such credit, by some unavoidable accident. In suits for balances due from postmasters, interest, at the rate of six per cent. per annum, shall be recovered from the time of the default until payment.

Sec. 16. *And be it further enacted*, That the attorneys of the United States, in the prosecution of suits for moneys due on account of the Post Office Department, shall obey the directions which may, from time to time, be given to them by the Auditor for the Post Office Department; and it shall be the duty of each of the said attorneys, immediately after the end of every term of any court in which any of the suits aforesaid shall have been pending, to forward to the said Auditor a statement of all the judgments, orders, and steps which have been made or taken in the same, during the said term, accompanied by a certificate of the clerk, showing the parties to, and amount of, each judgment, and such other information as may be required by the said Auditor. The said attorneys shall direct speedy and effectual process of execution upon the said judgments; and it shall be the duty of the marshals of the United States to whom the same shall be directed, to make to the said Auditor, at such times as he may direct, returns of the proceedings which have taken place upon the said process of execution.

Sec. 17. *And be it further enacted*, That in all cases where any sum or sums of money have been paid out of the funds of the Post Office Department to any individual, or individuals, under pretence that service has been performed therefor, when in fact such service has not been performed, or by way of additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, by the provisions of law, might rightfully have been allowed therefor, and in all other cases where the moneys of the Department have been paid over to any person, in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or clerk of the Department, it shall be the duty of the Postmaster General to cause suit to be brought in the name of the United States of America, to recover back the same, or the excess, as the case may be, with interest thereon.

Sec. 18. *And be it further enacted,* That the Auditor for the Post Office Department shall adjust and settle all balances due from postmasters on account of transactions prior to the first day of July, eighteen hundred and thirty-six. He shall, when necessary, institute suits for the same, and cause them to be effectually prosecuted to judgment and execution; and, in cases in which proceedings at law for these or any other balances that are or may become due on account of the Post Office Department have been or shall be fruitless, may direct the institution of suits in chancery, to set aside fraudulent conveyances or trusts, or attach debts due to the defendants, or obtain any other proper exercise of the powers of equity, to have satisfaction of the said judgments; and the courts of the United States, sitting in chancery, shall have jurisdiction to entertain such bills, and make such decrees and orders thereupon as may be consonant to the principles and usages of equity. The said Auditor shall report to the Postmaster General, to be by him submitted to Congress at its next annual session, a statement of all the balances and debts due to the Post Office Department as aforesaid by late postmasters, showing in each case the name and office of the principal debtor, the names of the sureties, if any, the amount of the debt, the time at which it accrued, the steps taken to collect the same, and whether they have been successful or not. The said statement shall also classify such of the said balances as may then remain due, into such as are considered collectable, and such as are not, with the whole amount of each class.

Sec. 19. *And be it further enacted,* That the Auditor for the Post Office Department, or any mayor of a city, justice of peace, or judge of any court of record in the United States, by him especially designated, shall be authorized to administer oaths and affirmations, in relation to the examination and settlement of the accounts committed to his charge; and if any person shall knowingly swear or affirm falsely, touching the expenditures of the Post Office Department, or in relation to any account of, or claim against, or in favor of, the said Department, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Sec. 20. *And be it further enacted,* That there shall be employed by the Postmaster General a third Assistant Postmaster General, who may receive and send letters and packets free of postage, and, in lieu of the clerks now employed in the Department, one chief clerk, three principal clerks, and thirty-three other clerks, one messenger, and three assistant messengers, and two watchmen.

Sec. 21. *And be it further enacted,* That there shall be employed by the Secretary of the Treasury, in the office of the Auditor for the Post Office Department, one chief clerk, four principal clerks, and thirty-eight other clerks, one messenger, and one assistant messsenger, also three clerks, one at a salary of fourteen hundred dollars per annum, one at a salary of twelve hundred dollars, and one at a salary of one thousand dollars, in the office of the Treasurer of the United States, in lieu of the same number of clerks now employed in the office of the Fifth Auditor of the Treasury, in adjusting the accounts of the Post Office Department.

Sec. 22. *And be it further enacted,* That it shall be the duty of the Postmaster General to make to Congress, at each annual session thereof, the following several reports:

First. A report of all contracts made for the transportation of the mail within the preceding year, stating in each case of contract its date and duration, the name of the contractor, the route or routes embraced in the contract, with the length of each, with the times of arrival and departure at the ends of each route, the mode of transportation contracted for, and the price stipulated to be paid by the Department. Also, a statement of all such land and water mails as may have been established or ordered by the Department within the year preceding, other than those let to contract at the annual lettings of mail contracts, specifying, in each case, the route or watercourse on which the mail is established, the name of the person employed to transport it, the mode of transportation, the amount paid or to be paid, and the proposed duration of the order or contract.

Second. A report of all allowances made to contractors within the year preceding, beyond the sums originally stipulated in their respective contracts, and the reasons for the same; and of all orders made by the Department, whereby additional expense is or will be incurred, beyond the original contract price, on any land or water route, specifying in each case the route to which the order relates, the name of the contractor, the original service provided by the contract, the original price, the date of the order for additional service, the additional service required, and the additional allowance therefor; also, a report of all curtailments of expenses effected by the Department within the preceding year, specifying, in each case, the same particulars as required in cases of additional allowances.

Third. A report of all incidental expenses of the Department for the year ending on the thirtieth day of June preceding, arranged according to their several objects, as for "Wrapping Paper," "Office Furniture," "Advertising," "Mail Bags," "Blanks," "Mail Locks, Keys, and Stamps," "Mail Depredations and Special Agents," "Clerks for Offices," "Miscellaneous," showing the sum paid under each head of expenditure; and the names of the persons to whom paid, except only persons employed in detecting depredations on the mail, and other confidential agents, need not be disclosed in said report.

Fourth. A report of the finances of the Post Office Department for the year ending on the thirtieth day of June preceding, showing the whole amount of balances due to the Department at the beginning of the year, from postmasters and all others, the whole amount of postage that accrued within the year, the whole amount of the engagements and liabilities of the Department for mail transportation during the year, the amount actually paid during the year for and on account of mail transportation and otherwise, stating separately so much of the said amount as may have been paid on account of the transportation of the mail, and for other debts for the same object, in preceding years.

Fifth. A report of all fines imposed, and deductions from the pay of contractors made during the preceding year, for failures to deliver the mail, or for any other cause, stating the names of the delinquent contractors, the nature of the delinquency, the route on which it occurred, the time when it occurred, the time when the fine was imposed, and whether the fine has been remitted, or order for deduction rescinded, and for what reason.

Sec. 23. *And be it further enacted,* That it shall be the duty of the Postmaster General, before advertising for proposals for the transportation of the mail, to form the best judgment practicable as to the mode, time, and frequency of transportation on each route,and to advertise accordingly. No consolidated or combination bid shall be received, and no additional compensation shall be made to any mail contractor, so that the compensation for additional regular service shall exceed the exact proportion which the original compensation bears to the original services stipulated to be performed; and no extra allowance shall be made to any contractor by the Postmarter General for an increase of expedition in the transportation of the mail, unless the employment of additional stock or carriers, by the contractor, shall be rendered necessary; and in such case the additional compensation shall never bear a greater proportion to the additional stock or carriers rendered necessary, than the sum stipulated in the original contract bears to the stock and carriers necessarily employedin its execution; and when any extra service shall be ordered, the amount of the allowance therefor, in dollars and cents, shall be signified in the order for such service, and be forthwith entered upon the books of the Post Office Department; and no additional compensation shall be paid for any extra regular service rendered before the issuing of such order and the making of such entry; and every order, entry, or memorandum whatever, on which any action of the Department is to be had, allowance made,or money paid, and every contract, paper, or obligation drawn up in said office, by any officer thereof, shall have affixed to it its true date; and every paper relating to contracts or allowances filed in said office shall have the date of its filing endorsed thereon. And whenever it shall become necessary to change the terms of any existing contract in any other manner than that designated by this act, or to enter into a contract for the transportation of the mail at any other time than at the annual letting, the Postmaster General shall give notice in one newspaper published at Washington City, and in one newspaper published as near as may be to the route on which the services are to be performed, for at least four weeks before changing or making such contract, inviting proposals therefor; which proposals shall be received and opened, and such proceedings thereon had, in all things, as at the annual letting. *Provided, however,* That the Postmaster General may make temporary contracts until a regular letting can take place.

Sec. 24. *And be it further enacted,* That proposals for mail contracts shall be delivered to the Department sealed, and shall be kept sealed until the biddings are closed, and shall then be opened and marked in the presence of the Postmaster General, and of one of the Assistant Postmasters General, or in the presence of two of the Assistant Postmasters General. And the contracts in all cases shall be awarded to the lowest bidder, except when his bid is not more than five per centum below that of the last contractor, on the route bid for, who shall have faithfully performed his contract: *Provided, however,* That the Postmaster General shall not be bound to consider the bid of any person who shall have wilfully or negligently failed to execute or perform a prior contract.

Sec. 25. *And be it further enacted,* That it shall be the duty of the Postmaster General to have recorded, in a well-bound book, a true and faithful abstract of offers made to him for carrying the mail, embracing as well those which are rejected as those which are accepted. The said abstract shall contain the names of the party or parties offering; the terms on which he or they propose to carry the mail; the sum for which it is offered to contract; and the length of time the agreement is to continue. And it shall also be the duty of the Postmaster General to put on file, preserve the originals of the propositions of which abstracts are here directed to be made, and to report at each session of Congress a true copy from the said record of all offers made for carrying the mail as aforesaid.

Sec. 26. *And be it further enacted,* That if any person employed in the Post Office Department, or Postmaster, shall become interested in any mail contract, or act as agent, with or without compensation, in any matter or thing relating to business in said Department, for any contractor, or person offering to become a contractor, he shall be forthwith dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt in any court having jurisdiction thereof, in the name of the United States, for the use of the Post Office Department; and it shall be the duty of the Postmaster General to cause prosecution to be instituted.

Sec. 27. *And be it further enacted,* That every proposal for the transportation of the mail shall be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation in such time as may be prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed. No proposal shall be considered unless accompanied by such guaranty. If, after the acceptance of a proposal, and notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation, within the time prescribed by the Postmaster General, with good and sufficient sureties, for the performance of the service, then the Postmaster General shall proceed to contract with some other person or persons, for the performance of the said service, and shall forthwith cause the difference between the amount contained in the proposal so guarantied, and the amount for which he may have contracted for the performance of said service, for the whole period of the proposal, to be charged up against the said bidder or bidders, and his or their guarantor or guarantors, and the same may be immediately recovered by the United States, for the use of the Post Office Department, in an action of debt against either or all of the said persons.

Sec. 28. *And be it further enacted,* That no contract for the transportation of the mail shall knowingly be made by the Postmaster General with any person who shall have entered into any combination, or proposed to enter into any combination, to prevent the making of any bid for a mail contract by any other person or persons; or who shall have made any agreement, or shall have given or performed, or promised to give or perform, for any consideration whatever, or to do or not to do any thing whatever, in order to induce any other person or persons not to bid for a mail contract. And if any person so offending be a mail contractor, he may be forthwith dismissed from the service of the Department: *Provided,* That whenever the Postmaster General shall exercise the power conferred on him by this section, he shall transmit a copy or statement of the evidence on which he acts to Congress, at its next session.

Sec. 29. *And be it further enacted,* That no person whose bid for the transportation of the mail may be accepted, shall receive any pay until he shall have executed his contract according to law and the regulations of the Department; nor shall any payment be made for any additional regular service in the transportation of the mail, unless the same shall have been rendered in obedience to a prior legal order of the Postmaster General.

Sec. 30. *And be it further enacted,* That so much of the act concerning the Post Office Department, approved March third, eighteen hundred and twenty-five, as directs that duplicates or copies of contracts or orders made by the Postmaster General shall be lodged in the office of the Comptroller of the Treasury, be repealed.

Sec. 31. *And be it further enacted,* That it shall be the duty of the Postmaster General to furnish to the postmasters at the termination of each route, a schedule, specifying the times of arrival and departure at their offices, respectively, of each mail, a copy of which the postmaster shall post up in some conspicuous place in his office; and the Postmaster General shall also furnish a notice, in like manner, of any change or alteration in the arrivals and departures which may be ordered by him. And it shall be the duty of every postmaster promptly to report to the Department every delinquency, neglect, or malpractice of the contractors, their agents, or carriers, that may come to his knowledge. And the Postmaster General shall cause to be kept, and returned to the Department at short and regular intervals, by postmasters at the end of the routes, and such others as he may think proper, registers, showing the exact times of the arrival and departure of the mails.

Sec. 32. *And be it further enacted,* That, if any postmaster shall unlawfully detain in his office any letter, package, pamphlet, or newspaper, with intent to prevent the arrival and delivery of the same to the person or persons to whom such letter, package, pamphlet, or newspaper may be addressed or directed in the usual course of the transportation of the mail along the route; or if any postmaster shall, with intent as aforesaid, give a preference to any letter, package, pamphlet, or newspaper, over another, which may pass through his office, by forwarding the one and retaining the other, he shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars, and imprisoned for a term not exceeding six months, and shall, moreover, be forever thereafter incapable of holding the office of postmaster in the United States.

Sec. 33. *And be it further enacted,* That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a deputy postmaster for each post office at which the commissions allowed to the postmaster amounted to one thousand dollars or upwards, in the year ending the thirtieth day of June, one thousand eight hundred and thirty-five, or which may, in any subsequent year, terminating on the thirtieth day of June, amount to or exceed that sum, who shall hold his office for the term of four years, unless sooner removed by the President.

Sec. 34. *And be it further enacted,* That assistant postmasters and clerks regularly employed and engaged in post offices shall be exempt from militia duties and from serving on juries, and from any fine or penalty for neglect thereof.

Sec. 35. *And be it further enacted,* That advertisements of letters remaining in post offices, may, under the direction of the Postmaster General, be made in more than one newspaper: *Provided,* That the whole cost of advertising shall not exceed four cents for each letter.

Sec. 36. *And be it further enacted,* That no postmaster shall receive free of postage, or frank, any letter or packet composed of, or containing any thing other than paper (or money;) and for a violation of this provision, the offender shall be dismissed from office, and upon conviction in any court of competent jurisdiction pay a fine of twenty dollars. And no person shall hold the office of postmaster who shall not be an actual resident of the city or town wherein the office is situated, or the district of country usually supplied by said office.

Sec. 37. *And be it further enacted,* That when any one or more of the sureties of a postmaster shall notify to the Postmaster General their desire to be released from their suretyship, or when the Postmaster General shall deem it necessary, he shall require the said postmaster to execute a new bond, with security, which, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of said postmaster, and the sureties in the prior bond shall be released from responsibility for all acts or defaults of said postmaster, which may be done or committed subsequent to the acceptance of the new bond, the date of which shall be endorsed thereon: *Provided,* That payments made subsequent to the execution of the new bond by said postmaster shall be applied first to discharge any balance which may be due on the old bond, unless he shall, at the time of payment, expressly direct them to be applied to the credit of his new account.

Sec. 38. *And be it further enacted,* That if any person shall be accessary after the fact, to the offence of stealing or taking the mail of the United States, or of stealing or taking any letter or packet, or enclosure in any letter or packet sent or to be sent in the mail of the United States, from any post office in the United States, or from the mail of the United States, by any person or persons whatever, every person so offending as accessary, shall, on conviction thereof, pay a fine not exceeding one thousand dollars, and be imprisoned for a term not exceeding five years; and such accessary after the fact may be tried, convicted, and punished in the district in which his offence was committed, though the principal offence may have been committed in another district, and before the trial of the principal offender: *Provided,* Such principal offender has fled from justice, or cannot be arrested to be put upon his trial.

Sec. 39. *And be it further enacted,* That in case the Postmaster General shall deem it expedient to establish an express mail, in addition to the ordinary mail, on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters, other than such as contain money, not exceeding half an ounce in weight, marked " express mail," and public despatches, he shall be authorized to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject, when carried by the ordinary mails.

Sec. 40. *And be it further enacted,* That in case of the death, resignation, or absence of the Postmaster General, all his powers and duties shall devolve, for the time being, on the First Assistant Postmaster General.

Sec. 41. *And be it further enacted,* That the Postmaster General shall be authorized, whenever the same may be proper for the accommodation of the Public in any city, to employ letter-carriers, for the delivery of letters received at the post office in said city; except such as the persons to whom they are addressed may have requested, in writing, addressed to the postmaster, to be retained in the post office; and for the receipt of letters at such places in the said city as the Postmaster General may direct, and for the deposite of the same in the post office; and for the delivery by a carrier of each letter received from the post office, the person to whom the same may be delivered shall pay not exceeding two cents, and for the delivery of each newspaper and pamphlet, one-half cent; and for every letter received by a carrier, to be deposited in the post office, there shall be paid to him, at the time of the receipt, not exceeding two cents; all of which receipts by the carriers in any city shall, if the Postmaster General so direct, be accounted for to the postmaster of said city, to constitute a fund for the compensation of the said carriers, and be paid to them in such proportions and manner as the Postmaster General may direct. Each of the said carriers shall give bond with sureties, to be approved by the Postmaster General, for the safe custody and delivery of letters, and for the due account and payment of all moneys received by him.

Sec. 42. *And be it further enacted,* That the Postmaster General shall be authorized, in his discretion, to contract for carrying the mail on the navigable canals of the several States, in all cases where, in his opinion, the public interests and convenience shall require it; and for the time during which mails may be carried on such canals, or any parts thereof, the same are hereby declared to be post roads.

Sec. 43. *And be it further enacted,* That the following annual salaries shall be allowed to the Assistant Postmasters General, and to the clerks, messengers, and watchmen, provided for the service of the Post Office Department, viz.

To the three Assistant Postmasters General, each twenty-five hundred dollars.

To the chief clerk, two thousand dollars.

To the three principal clerks, each one thousand six hundred dollars.

To ten clerks, each one thousand four hundred dollars.

To fifteen clerks, each one thousand two hundred dollars.

To eight clerks, each one thousand dollars.

To the messenger, seven hundred and fifty dollars.

To the three assistant messengers, each three hundred and fifty dollars.

To the two watchmen, each three hundred dollars.

Sec. 44. *And be it further enacted,* That the following annual salaries shall be allowed to the Auditor of the Post Office Department, and to the clerks and messengers herein provided for the service of his office, viz.

To the Auditor, three thousand dollars.

To the chief clerk, two thousand dollars.

To the four principal clerks, each one thousand six hundred dollars.

To ten clerks, each one thousand four hundred dollars.

To twenty clerks, each one thousand two hundred dollars.

To eight clerks, each one thousand dollars.

To the messenger, seven hundred and fifty dollars, and to the assistant messenger, three hundred and fifty dollars.

Sec. 45. *And be it further enacted,* That the sum of three million one hundred and fifty thousand dollars be, and the same is hereby, appropriated for the service of the Post Office Department for the year commencing on the first day of July, one thousand eight hundred and thirty-six, out of any moneys in the Treasury arising from the revenues of the said Department, to be accounted for in the manner pointed out in the second section of this act.

Sec. 46. *And be it further enacted,* That this act shall be in force and take effect from the passage thereof.

Approved, July 2, 1836.

[No. 65.]—AN ACT to establish certain post roads, and to alter and discontinue others, and for other purposes.

Be it enacted, &c. That the following be established as post roads:

IN MAINE.

From Lincolnville to Isleborough. From Wilton, through Weld and Byron, to Andover. From Topsham, through Lisbon, by Little River village and Mayall's Factory village, to Lewiston falls. From Dennysville, through Charlotte, Cooper, and Faring, to Calais. From Saco, by Salmon falls, Bar mills, Moderation falls, Bonny Eagle falls, to East Baldwin. From Wayne village, by Norris's ferry, Isaac Strickland's, and William H. Britton's, in Livermore, to Hayford's mills, in Canton, and Peru, to East Rumford. From Brunswick to Harpswell. From Portland, by Falmouth Centre, Cumberland, Upper Yarmouth, New Gloucester, East Poland, Minot, West Minot, East Hebron, to Buckfield village. From Calais, through Bayleyville and Princeton, to Houlton. From Gardiner, through Pittston, Hallowell, Whitefield, Windsor, Patrickstown, Washington, Liberty, Appleton, Searsmont, and Belmont, to Belfast. From Portland, through Cumberland Centre, Pownal, Durham, Lisbon, Wales, and Winthrop, to Augusta. From Waterville, by China, to Palermo. From North New Portland, through Lexington, to Dead river. From Vinalhaven to Isle of Haute. From Portland, through Stroudwater village and Buxton, to Salem falls. From Thomaston, via Cushing, to Friendship. From East Thomaston, to Owl's Head. From Thomaston to Vinalhaven. From Doughty's falls (or Berwick) to Great Falls, New Hampshire. From Brunswick, by South Durham, Southwest Bend, Goff's corner, East Minot, and East Turner, to Turner. From Warren, by Jefferson and North Whitfield, to Augusta. From Madison, by Madison Centre and South Anson, to West New Vineyard.

IN NEW HAMPSHIRE.

From Guilford, through Meredith, to New Hampton. From Hebron, through Alexandria, to Bristol. From Hillsborough bridge, through the south part of Antrim and Hancock, to Peterborough. From South Deerfield to Pittsfield. From Ossipee to Tuftonborough. From Groton, Massachusetts, to Dunstable, New Hampshire. From Dunstable, by Hudson, Londonderry, Derry, Hampstead, Hawke, and Kingston, to Exeter, in New Hampshire. From Exeter, by Hampton falls, to Hampton beach. From Dover, by Durham, Lee, Epping, and Chester, to Derry. From Lebanon, by Springfield, New London, and Sutton, to Warner. From Hillsborough bridge, by Antrim, North Branch, Stoddard, and Sullivan, to Keene. From Hillsborough bridge, by South Antrim, and Bancock, to Peterborough. From Tuftonborough and Ossipee, in New Hampshire, Newfield, Limerick, Waterborough, and Buxton, to Portland, in Maine. From Hillsborough bridge, by Hillsborough Centre, Bradford Centre, and Sutton, to Sutton village. From Amherst, by Milford, Wilton, and Mason, to New Ipswich. From Windham, via Londonderry, to Hooksett. From Claremont to Cornish flat.

IN MASSACHUSETTS.

From East Middleboro', through Plympton, to Kingston, in Plymouth county. From Taunton to Norton. From Foxboro' to Wrentham. From Franklin, through Bellingham, to South Milford. From North Woodstock, through Woodstock, Wilkinson's factory, Killingly, in Connecticut, to Chepatchet, in Rhode Island. From Yarmouth to South Yarmouth. From

Sandisfield to Sheffield. From Boston, through Lynn, Danvers, Topsfield, New Rowley, West Newbury, to Amesbury.

IN RHODE ISLAND.

From Woonsocket falls, Rhode Island, through South Bellingham, Massachusetts, to Franklin, and thence to East Medway. From Newport, Rhode Island, by water, to Wickford.

IN CONNECTICUT.

From Furnace village, through Lime Rock and Falls village, to South Canaan. From Worcester to Charlton, through Southbridge, Massachusetts, through the west part of Woodstock, to Tolland, in Connecticut. From Jewett's city, by Parkersville, to Canterbury. From Plainfield, by Moosup and Central village, to Brooklyn. From Hartford, via Windsor, Poeonoc, East Granby, West Sheffield, and Feeding-hills, to Westfield. From Westport, via the Academy in Weston, Stepney Post Office, and Zoar, to Bennett's bridge. From New Haven, by East Haven, North Branford, North Guilford, North Bristol, and North Killingworth, to Essex. From Essex, by Hamburg and North Lyme, to Norwich City.

IN VERMONT.

From Johnston, through Eden, Lowell, Westfield, Troy, and Newport, to Derby. From Bellows falls, through Athens, Brookline, Newfane, and Dover, to Wilmington. From Mount Holly, through Mechanicsville, to Weston. From Alburgh to West Alburgh. From Windsor, by Hartland, Queechy village, West Hartford, Snow's store, Sharon, and South Stafford, to Stafford. From Proctorsville, via Cavendish, Greenbush, and Corner's, in Vermont, to Claremont, in New Hampshire. From Williston to Jerico.

IN NEW YORK.

From Watertown to Rodman, by Burrville, in the county of Jefferson. Frem Carthage, through the village of Great Bend, Le Raysville, Felt's mills, Lockport, and Huntingdon's mills, to the village of Watertown, in the county of Jefferson. From Theresa, in the county of Jefferson, by the Glass works and South Hammond, to Hammond, in the county of Saint Lawrence. From Hudson by Glencoe, Curtis's settlement, Northeast, to Salisbury, in the State of Connecticut. From Silver creek, in the county of Chautauque, by Versailles, in the county of Cattaraugus, to Angola, in the county of Erie. From Jamaica to Rockaway, in the county of Queen's. From Greenfort, across Shelter island, to Sag Harbor, in the county of Suffolk. From Setauket, by Coram, to Patchogue, in Suffolk county. From Mayville, in the county of Chautauque, through Panama, to the mouth of Broken Straw creek, in the county of Warren, in the State of Pennsylvania. From Smithsboro' to Spencer, in the county of Tioga. From Goshen, in the county of Orange, in the State of New York, through Phillipsburg, Middletown, Mount Hope, Cuddebackville, Clowesville, Forrestburg, Stewartsburg, Halfway brook, Beaver brook, Ten-mile river, and Narrowsburg, to Honesdale, in the State of Pennsylvania. From Herkimer to Utica, on the south side of the Mohawk river, through the villages of Mohawk, German Flatts, and Frankfort, in the county of Herkimer, to the city of Utica, in the county of Oneida. From Lockport, in the county of Niagara, by way of Benedict's bridge, to Akron, in the town of Newstead, in the county of Erie. From Youngstown, in the county of Niagara, by way of Wilson, Kempville, Somerset, Yates, Centre, West Carlton, East Carlton, and Davis's mills, to Gaines's corners, in the county of Orleans. From Preble, in the county of Cortland, through Otisco Hollow, Amber, Marietta, and Marcellus, to Camillus, in the county of Onondaga. From Luzerne, in Warren county, to Caldwell. From Carmel, in Putnam county, to Pawlings, in Dutchess. From Franklin, in the county of Delaware, to Oneonto, in the county of Otsego. From Somerset, in Niagara county, by Yates, Centre, West Carlton, East Carlton, and Davis's mills, to Gaines's corners, in the county of Orleans. From Groveland, on East road, to Geneseo. From Standfordville, to Sharon, in Connecticut. From Gibbonsville, by way of Cohoes, to Waterford. From Schenectady, by Princetown and Duanesburg, to Schoharie. From Poughkeepsie, by Pleasant Valley, Dover, Bull's bridge, and Kent post office, to Washington, in Connecticut. From Ithaca, through Green, Oxford, Guilford, Mount Upton, Gilbertsville, Otsewa, Oneonta, Davenport Centre, Davenport, West Harpersfield, Harpersfield, and Stamford, to Cattskill; and that the post route from Oxford to Gilbertsville, and from Oneonta to Gilbertsville, and from Harpersfield to Oneonta, be, and the same are hereby, discontinued. From Rochester, along the Erie canal, to Brockport, and Lockport, in the county of Niagara. From Union village, by the villages of Battenkill and Shaw's mills, to the village of Salem, in the county of Washington; and that the post road from Battenkill to Jackson be discontinued. From Waterborough, in the county of Chautauque, by Conewango, to Persia, in the county of Cattaraugus. From Westfield, in the county of Chautauque, to Columbus, in the county of Warren, in the State of Pennsylvania. From Sand Bank to Mannsville. From Clintonville to Rhinebeck. From Russia to Moorehouse village.

IN NEW JERSEY.

From Belvidere, in Warren county, to Port Colden. From Pompton, by Wenockey, Boardsville, Long Pond, and The Green Woods, to the post office at Warwick, in New York. From Jersey city, in Bergen county, to Belleville. From Princeton, by Hightstown, to Freehold. From Hightstown, by Ewingville, Clarksburg, Hornerstown, Cassville, Charlestown, and Smithfield, to Freehold. From Philadelphia, by Camden, Burlington, Hightstown, and South Amboy, to the city of New York. From Dover, by Suckasunny and Flanders, to Hackettstown. From Hamburg, by Franklin furnace and Sparta, to Newton. From Kingston to Somerville, by way of Rocky Hill, Griggstown, Millstone, and Weston. From New Egypt, by Cookstown, Jacobstown, Recklesstown, Crosswicks, to Bordentown.

IN PENNSYLVANIA.

From Reamstown, in Lancaster county, by the way of Sheonuk, Whitehall, and Springville, in said county, to Shaefferstown, in Lebanon county. From Columbus, Luzerne county, Pennsylvania, by the way of Fairmount, Colesville, in Columbia county, and Davidson, to Taneyville, in Lycoming county. From Chambersburg, Franklin county, Pennsylvania, by the way of Mercersburg, to Hancock, Washington county, Maryland. From Karthaus, Clearfield county, to the town of Clearfield, in said county; the route to go on the north side of the west branch of the Susquehanna river. From Hart's cross roads, in Crawford county, Pennsylvania, to Andover, in the State of Ohio. From Oil creek, Crawford county, by the way of Spring creek, in Warren county, to Sugar Grove, in the same county. From the Spring-house, Montgomery county, by the way of David Acuff's, Gwynedd, Heister's tavern, Franconia, Gerhart's tavern, Trumbaursville, in Bucks county, Everhart's, Jacob Hertzel's, to Coopersburg, in Lehigh county. From Abington Centre, in Luzerne county, by the way of Factoryville, Nicholson, to Brooklyn, Susquehanna county. From Wyalusing Centre, Bradford county, to Orwell, in the same county. From Erie, Erie county, by the way of McKean, Washington, and Venango, to Rockdale, in Crawford county. From Coatesville, in Chester county, by way of Doe run, Chatham, Westgrove, Rosscommon, and Boyd's store, to Strikersville. From Florence, in Washington county, by Mill Creek meeting-house, East Liverpool, Faulkstown, Clarkson, East Fairfield, and Lima, in Columbiana county, to Poland, in Trumbull county, Ohio. From Cross Creek village, Washington county, to West Liberty, in Ohio county, Virginia. From West Alexandria, Washington county, to West Liberty, in Ohio county, Virginia. From West Alexandria, Washington county, to Waynesburg, in Green county. From Zelienople, Butler county, by Evansburg, Glade Mills, to Freeport. From Beaver, in Beaver county, to Frankfort. From Skinner's Eddy post office, in Luzerne county, by Springhill, and Jones's mills, to intersect the post route from Wyalusing to Rushville, at Stevensville. From Wind Gap, in Northampton county, by Fleeksville and Richmond, to Belvidere, in New Jersey. From Ligonier, Westmoreland county, to Johnstown, in Cambria county. From Mahony post office, in Northumberland county, by the State road, to Minersville, in Schuylkill county. From Taneyville, in Lycoming county, by Heddleson's, to Columbus, in Luzerne county. From Butler, in Butler county, by Whitestown, to Zelienople. From Juniata Crossings, in Bedford county, by Brush Valley, Whip's Cove, Warfordsburg, to Hancock, in Maryland. From Wilkesbarre, Luzerne county, by White Haven, Lowrytown, to Lausanne. From Reading, in Berks county, by Yocum's Forge and Bowman's store, to Blue Ball, in Lancaster county. From Smithport, McKean county, by the forks of Tunuangwat creek, to Great Valley, in Cattaraugus county, New York. From Butler, in Butler county, to Franklin, in Venango county, by the graded or turnpike road. From Carbondale, in Luzerne county, by the way of Greenville, Wallsville, Abington, and Nicholson, to Tunkhannock. From Kutztown, Berks county, by the way of New Jerusalem, Lobacksville, Klauser's, Shoenersville, Royertown, New Hanover, to The Trappe, in Montgomery county. From Minersville, in Schuylkill county, by the way of Waynesburg, Klingerstown, to Gratztown, in Dauphin county. From Easton, Northampton county, by the way of William Kesslor's, Wooting's mills, Roxbury, to Williamsburg. From Norristown, Montgomery county, by the way of Shannonville and Lumberville, to Phœnixville, in

Chester county. From Stoddardsville to Clifton, in Luzerne county. From Honesdale, Wayne county, down the Lackawaxen creek, and along the line of the Delaware and Hudson canal, to the Narrows; thence, along the same creek and canal, up the Delaware river, through Big Eddy Settlement, to Damascus post office; thence, through Berlin township, to Honesdale. From Venango furnace to Wesley, Venango county From Damascus to Stockport, via the mouth of the Little Equinunk creek, and the English Settlement, in Manchester township, and the mouth of the Great Equinunk creek, in Buckingham township, Wayne county. From Liverpool to Mifflintown. From Montrose, through the townships of Lawsville and Franklin, to Binghampton, New York. From Danville to Cattawissa. From York, by Quigley's church and Strinestown, to Newberrytown.

IN DELAWARE.

From Milford, in Delaware, to Easton, in Maryland.

IN MARYLAND.

From Davidsonville, via Higgin's store, to Patuxent forge, and thence to Elkridge landing. From Boonsborough, via Rohrersville, Brownsville, Burketsville, and Petersville, to Barry. From Port Deposite to North East. From Churchill to Dover, in the State of Delaware. From Cambridge, by Church creek and Tobacco Stick, to Robinson & Griffith's store. From Belair, by Hartford furnace and Abington, to Michaelville.

IN VIRGINIA.

From Poplar hill, Giles county, to Sharon, Wythe county. From Waynesboro' to Greenville. From Fishing creek, in Tyler county, Pine grove, and Mount Linnæus, to Polsley's mills, in the county of Monongalia. From Weston, in the county of Lewis, to Charlestown, in the county of Kanawha. From Louisa court-house to Yanceysville. From Prillemon's post office, in the county of Franklin, via Rake's store and Canada's, in said county, to Floyd court-house. From Marion to Greenville, Grayson court-house. From Charlottesville, via Scottsville, to Buckingham court-house. From Belfield, in the county of Greensville, to Newsom's depot, in the county of Southampton. From Polsley's mills, in the county of Monongalia, via Armett's store, to Blacksville. From Staunton, via Buffalo gap and Joseph Bell's, to Milborough. From the town of Weldon, North Carolina, via Syke's old store, Randal's ordinary, Powellton, James's Square, Gholsonville, Oak grove, Nicholson's, Wartman's, Charles Ogburn's, Shackleford's, Christiansville, Dupree's store, Charlotte court-house, Armistead & Fuqua's store, and Brookneal, to Green hill, Campbell county, Virginia. From Wythe court-house, via James H. Piper's, to Blue springs, Smythe county. From Beckley's mills, Russell county, via Osborn ford, to Pendleton, Scott county. From Broadford, Smythe county, via Cook's store, to Sharon, Wythe county. From Laurel post office, Washington county, to Captain Le[illegible] Bishop's, in the county of Smythe. From Princess Ann, Maryland, via Newtown, Maryland, and Bloxom's tavern, Virginia, Riley's store, Jenkin's bridge, Guildford, and Bagwell's mills, to Drummondtown, in the county of Accomack, Virginia. From Horntown to Bloxom's tavern, Accomack county, Virginia. From Greenville, Virginia, to Jefferson, North Carolina. From Winchester to Staunton, by way of Lane's old works, Huddle's school-house, Columbia furnace, Moore's store, Pennybacker's furnace, Turleystown, and Miller's furnace, and thence to Staunton. From Kingwood to Evansville. From Orange court-house to Stanardville. From Culpeper court-house, via Plain's mills, to Timberville. From Leadsville to Western fords, in the county of Randolph, in Virginia. From Danville, by Franklin court-house, to Salem. From Jerusalem to Urquhart's store, in Southampton county. From Surry court-house to Wall's bridge, in Surry county. From Richmond, by Bellona arsenal, Sublett's, and Jefferson, to Cartersville. From Lynchburg, by Pedlar's mills, to Buffalo spring. From Tye River warehouse to Lynchburg. From Littletown to Urquhart's store. From West Alexandria, Pennsylvania, to Grave creek.

IN NORTH CAROLINA.

From Franklin, North Carolina, to Jamesville, Grady's store, and Huntington, to Blairsville, Georgia. From Wadesboro', by White's store, Jesse Llewellen's, Hastey's store, Alexander N. Bell's, the Anson gold mines, and thence by Burns's store and Diamond hill. From Limestone post office, in Buncombe county, by Edneysville and E. S. Porter's, to Earlsville, Spartansburg district, South Carolina. From Carthage, in Moore, county, thence to Eli Phillips', and Farish and McNeill's store, to Tyson's store. From Morgantown, in Burke county, up John's river, to John Most's, on Watauga, in Ashe county. From Fallsville, in Lincoln county, to William Oat's, Buffalo post office, Joshua Beam's, Rushy creek, Hamilton's store, and Webb's ford, to Rutherford, Rutherford county. From Bethania, Stokes county, by Vienna and Shore's ferry, to Doweltown, Surry county. From Greensboro', by Thompson's store and David Thomas's, to Mooresville, in Orange county. From Milton, by Sergeantsville and Blackwell's store, to Rawlinsburg, in Rockingham county. From Yadkin post office, Stokes county, by William Wolf's, Reeve's, and Johnson Clement's, to Rockford, Surry county. From Taylor's bridge, in Sampson county, by The Piney Woods, and the house of Lewis High Smith, to Long Creek bridge, in New Hanover county. From Beatiesford to Sherrillsford post office, and Hokesville, to Fisher's post office; returning, to pass Eavesville, the neighborhood of Thomas L. Mays, to the Dry ponds. From Salisbury, by Mount Pleasant, in Cabarras county, to Cobourn's store, in Mecklenburg county. From Washington to Durham creek. From Newbern to James Riggs's, on Bay river, in Craven county. From Beaufort to Portsmouth, and thence to Ocracock. From Kingston, by Hookertown, to Snow Hill. From Mockville to Huntsville. From Franklin, in Macon county, down Valley river, to Huntingdon, thence to Clarksville, Habersham county, Georgia. From Newcastle, by Trap Hill, in Wilkes county, to Grayson court-house, Virginia. From Greenville, in Pitt county, by Johnson's Mills, Scuffleton, in Green county, to Kinston, in Lenoir county. From Elizabethtown, by Lennon's Cross-roads, to Fairbluff, thence by Whiteville, and the Prong, at Wooten's back, to Elizabethtown. From Winton, by Gates court-house and Sunbury, to Edenton. From Tomlinson's store to Ashe court-house. From Louisburg, by Lenay's cross roads, Wilton, Melbame's store, Wellborn's meeting house, Red Mountain, and Turner's mills, to Hillboro'. From Germantown to Little Yadkin.

IN SOUTH CAROLINA.

From Hamburg, via Red hill, to Liberty hill. From Corbettsville to Blacksville, in Orangeburg district. From Greenville court-house, by Liggon's mills, to Mush creek. From Abbeville court-house, by Faggart's store, and Covington's mills, to Maffattsville, in Anderson district. From Greenville court-house, South Carolina, via Sutton's bridge, on Saluda river, Cedar rock, Wolf creek, Pickens court-house, Falls post office, West Union, Earlsford, on Chatuga river, and Warwoman's creek, to Clayton, in the county of Rabun, State of Georgia. From Camden, via Longtown, Winsborough, Bell, Hall's, Ashford's ferry, and Baskett's, to Newberry court-house. From Union court-house, by Newberry court-house, Young's ferry, to Aikin. From Barnwell court-house to Rosney. From Pocotaligo, via Hickory hill, to the Cross roads, in Prince William parish. From Draytonville, by Limestone springs, Smith Lipscomb's, Rowland's store. and the Rolling mills, to Spartanburg court-house. From Fishdam post office, on broad river, to Pinckneyville, in Union district. From Greenville court-house, by Sherman's store, Bouby's store, Line creek, Neely's ferry, Cambridge, Meeting street, to Edgefield court-house. From Greenville, South Carolina, by Clarksville, Georgia, to Dahlonega.

IN GEORGIA.

From Franklinville, Lowndes county, Georgia, via Warner's ferry, to Townsend post office, in Madison county, Territory of Florida. From Carrollton, via Villarica post office, in Carroll county, Georgia, to Paulding court-house, Cassville, in Cass county, and Adairville, in Cass county. From Rome, in Floyd county, Georgia, via Vann's valley, Morgan's cross roads, Jacksonville, in Benton county, Alabama, Alexandria post office, Conner's, Kelly's spring, Talladega, Mardisville, in Talladega county, Syllacogy post office, Rockford, in Coosa county, to Wetumpka, in Montgomery county, Alabama. From Centreville, Wilkes county, via Wright's store, on the Skull Shoal road, Bowling Green, John M. Coxe's store, and Poullain's bridge, to Salem, in Clark county. From Flat shoals, in Pike county, via Perdue's store, Rocky mount, Carter's store, all in Merriwether county, and Corinth, in Heard county, to Franklin, in Heard county. From Newnan, Coweta county, via Sellman's store, and Turrentine's ferry, on Flint river, to Zebulon, in Pike county. From Auraria, in Lumpkin county, via Coal Mountain post office, Cumming, in Forsyth county, Social Hill post office, in Cherokee county, Lebanon post office, and Marietta, in Cobb county, Big spring, and Sweetwater town, in Cobb county, to Campbellton, in Campbell county. From Cassville, via Pine Log post office, and Benton post office, in Cass county, to Ellejay, Gilmer county. From Marietta, via Altoony gold mines, Cassville, Adairsville, Cass county, New Echota, to Springplace, Murray county. From Lumpkin, in Stewart county, to Starkville, in Lee county. From Talbotton, via Boston post office, Uchee Village post office, in Marion county, and Pondtown post office, to Americus, in Sumpter county. From Talbotton, via Belleview post office, Buchanan's store, Warm springs, and Greenville, in Merriwether county, to Newnan, in Coweta county. From Elberton, by Montevideo, in Elbert county, Georgia, to Anderson court-house, in South Carolina. From Paulding court-house, via Rome, in Floyd county, Treadway's Island ford, at Stony's farm, to Walker court-house. From Clayton, in Rabun county, via Blairsville, in Union county, Ellejay, in Gilmer county, and Springplace, in Murray county, to Walker court-house, in Walker county. From Dahlonega, in Lumpkin county, via Hightower post office, and Canton, in Cherokee county, to Cassville, in Cass county. From Dahlonega, in Lumpkin county, to Blairsville, in Union county. From Canton, in Cherokee county, via Woodstock post office, Marietta, in Cobb county, and Paulding court-house, Paulding county, to Cedartown, in Paulding county. From Hawkinsville, in Pulaski county, to House creek, in Irwin county; the mail to be carried down on the western side of the Ockmulgee river. From Lagrange, Troup county, via Liberty Hill post office, Franklin, in Heard county, and Laurel Hill, to Carrollton, in Carroll county. From Franklin, Heard county, Georgia, to Randolph court-house, in Alabama. From Jacksonville, Telfair county, via Holmesville, in Appling county, and Wearesboro', in Weare county, to Franklinville, in Lowndes county. From McDonough, Henry county, via Tucker's cabin, to Decatur, De Kalb county. From Halloca, in Muscogee county, via Pineville and Jenkins's mill, to Americus, Sumpter county. From Drayton, in Dooley county, via Danville, Americus, in Sumpter county, and Lannahassee, in Stewart county, to Columbus, in Muscogee. From Dahlonega, in Lumpkin county, to Ellejay, in Gilmer county. From Wrightsboro', via Raytown, Crawfordsville, Temperance, at Green and Baldwin's store, to Greenboro'. From Decatur, in DeKalb county, via Stone Mountain, Rockbridge, to Monroe, in Walton county. From Fort Gaines, in Early county, to Spring creek post office. From Archibald Hunter's ferry, on Highwassee, North Carolina, to Blairville, in Union county, Georgia. From Milledgeville, by Monticello, Indian Springs, Greenville, La Grange, Wetumpka, to Tuscaloosa, Alabama. From Decatur, by Key's, Martin's ferry, on the Chattahoochee, to Lebanon, in Cobb county. From Columbus, by Lumpkin, Cuthbert, Fort Gaines, and Blakely, to Bainbridge. From Rome, by Livingston, Pleasant Green, or Gamble's seminary, near the line of Walker and Floyd counties, to Islandtown, on Chatooga river.

IN KENTUCKY.

From Gainesboro', Tennessee, via Thomas Butler's, Salina, mouth of Obed river, Kettle creek, Hanover, near Carey's ferry, to Burkesville, in Kentucky, thence via Creelsborough, to Jamestown, in Russell county. From Jamestown, Tennessee, via Abraham Vanwinkle's, to Monticello, in Wayne county, Kentucky. From Louisa, in Lawrence county, to West Liberty, in Morgan county. From Richmond, in Madison county, to London, in Laurel county. From Perry court-house, via the mouth of Leatherwood creek, Hezekiah Bransan's, in Harlam county, and Neal's post office, at Stone Gap, to Scott court-house, in Virginia. From Richmond, in Madison county, via Slaughter's salt works, Mount Vernon, Somersett, Faris's stone coal mines, and mouth of Laurel, to Charles Rockholt's, in Whitley county. From Neville, in the State of Ohio, to Falmouth, in Pendleton county, Kentucky. From Bowling Green to Scottsville, via Allen springs. From Stanford, in Lincoln county, via Colonel Jesse Coffee's, and Liberty, in Casey county, to Jamestown, in Russell county. From Covington, in Campbell county, via Taylor's mill, on Banklick creek, and up the Licking road, to intersect the mail route from Washington, in Mason county, via Falmouth, in Pendleton county, to Gaines' cross roads on the Dry ridge, in Boon county, at Richard Mullin's, on Grassy creek, in said county of Pendleton. From Gallatin, in Tennessee, via Dunn's cross roads in Smith county, Tennessee, down the long fork of Barren river, by John B. Lowrey's store, to Tomkinsville, in Kentucky. From Cloverport, in Brackenridge county, via John Haynes', Taylor mills, Hartford, and William Brown's, in Ohio county, to Worthington, in Muhlenberg county. From Hawesville, in Hancock county, to Nottsville, in Davis county. From the mouth of Sandy, in Henry county, Tennessee, via Concord and Belgrade, to Wadesborough, in Callaway county, Kentucky. From Mount Sterling, via the mouth of Aaron's run, and North Middletown, to Paris. From Cloverport, by the Great falls of Rough creek, to Brownsville. From Tompkinsville, via John Meadow's, on the east fork of Barren river, John Meadow's, on Salt lick of Barren river, Bratton's post office, and Dabney Cooper's, on White oak of Barron river, to Gallatin, in Tennessee. From the town of Bedford, in Oldham county, to the town of Port William, in Gallatin county. From the town of Newcastle, in Henry county to Port Royal, in the same county. From Hartford to V. W. Peyton's, in the county of Ohio. From Hawesville to Vile's, in the county of Hancock.

IN TENNESSEE.

From Randolph, by Portersville and Concordia, to Belmont, in Fayette county. From Somerville, to Egypt, in Fayette county, and from Mount Pleasant, Murray county, by Rock-house creek, J. C. Gullick's, Perrysville, Lexington, and Independence, to Jackson. From Knoxville, via Read's mill, on Beaver creek, Low's ferry, on Clinch river, Scarborough's mills, Watson's ferry, and from thence to Kingston. From Philadelphia, Monroe county, by Pryse's Ferry, on Tennessee river, to Washington, Rhea county. From Leesburg, in Washington county, via Newmansville, in Green county, to Rogersville, in Hawkins county. From Williamsport, by True's store, and Snow creek, in Maury county, to Franklin, in Williamson county. From Samuel Wilson's, on Jack's creek, Henderson county, to Burns's store. From McMinnville, Warren county, to Liberty, Smith county. From Columbus, in Hickman county, Kentucky, by Dyersburg, Lauderdale court-house, and Covington, to La Grange, Tennessee. From Jackson, by Mount Pinson, to Purdy, McNairy county. From Durhamville, Lauderdale county, to Ashport, on the Mississippi river. From Ten-mile stand, in Rhea county, by George Gordon's iron works, from thence through Grassy Cove, to George Dawson's, on Cumberland mountain. From Pikeville, Bledsoe county, by Blythe's ferry, on Tennessee river, to David McNaire's, on Conesauga. From McMinnville, by James Gardner's, Esq. to Dallas, Hamilton county. From Athens, in McMinn county, by way of Haynes's store, to Mount Vernon, in Monroe county. From Van Buren to Moore's cross roads, in Hardeman county. From Humphreys court-house, in Humphreys county, and by Point Mason, to Paris, Henry county. From Brownsville, by Wesley, to Covington. From Perrysville, in Perry county, by Morgan's creek, to Benton county court-house, and to Paris. From Huntingdon, in Carroll county, by Lexington and Jack's creek, to Purdy, in McNairy county. From Bolivar, by Nubbin ridge, Simpson's bridge, on Hatchie river, Cypress, Chamberlain, and Wolf's ferry, on the Tennessee river, to the Brick house, or Cherryville, in Hardin county. From Rogerville, in Hawkins county, by Morgan's mill, to James's store, in Greene county. From Jackson, by Oakland and Chalk Bank, and Shiloe, Tennessee, by Trenton, Yorkville, and Troy, to Mills point, Kentucky. From Waynesboro', by David Gallaher's and Pinbook, in Wayne county, to the Brick house, in Hardin county, on the stage road from Savannah, Tennessee, to Florence, Alabama. From La Grange, Tennessee, via Spring Hill, to Walnut Grove, Mississippi. From Murfreesboro', by Salem cross roads, to Wilkinson's cross roads, in Rutherford county. From Florence, Alabama, to Waynesboro', Tennessee, via John Spain's, Alabama, and Sessum's store, Tennessee. From Eastanaula to Wesley. From Monroe, via Locust Shades, in Overton county, by Salina, Jackson county, by Garrett Moore's, to Tomkinsville, Kentucky. From Elkton, Tennessee, to Decatur, Alabama, and from Franklin, Tennessee, to Charlotte, by Turnbull. From Dover, by Tobaccoport, to Cadiz, in Kentucky. From Purdy, Tennessee, by Col. John Reeves's, in the Chickasaw cession, to Pontitoc, in the State of Mississippi. From Marysville, in Blount county, by Mount Vail springs, to Chilhowee post office, on the Tennessee river, Monroe county. From Bean's station, Morestown, Col. McFarland's, mouth of Nolachucky, to Newport. From Campbell's station, Low's ferry, on the Holston river, to Louisville, in Blount county. From Pulaski, by Rogersville, to Courtland, Alabama. From Reedyville, by David Patton's, in Rutherford county, to Beech Grove, in Bedford county. From Waynesboro' to Savannah. From Long Savannah, Hamilton county, to Walker court-house, Georgia. From Brownsville, Haywood county, by Cherryville, Lanefield, and Chestnut bluffs, to Dyersburg, in Dyer county. From Nashville, by Ellison's mills, on South Harpeth, to Centreville. From Fayetteville to Robertson's store. From Clarksville, Tennessee, to Cadiz, Kentucky. From the seat of justice in Humphreys county to the seat of justice in Benton county. From Clinton, by Oliver's, to Morgan court-house.

IN OHIO.

From Perrysburg, in Wood county, through Risdon and Rome, in Seneca county, and McCutchinville, to Bucyrus, in Crawford county. From Bucyrus, in Crawford county, to Tiffin, in Seneca county. From Finley, in Hancock county, to Lima, in Allen county. From Jeromeville, in Wayne county, by Olivesburg and Rome, to Runner's, in Richland county. From Plymouth, by Gamble's mills, Martin's mills, and Lexington, in Richland county, to Frederick, in Knox county. From Mount Gilead, in Marion county, by Galeon and Leesville, to De Kalb, in Richland county. From Cincinnati, by Cummingsville, Vernon, and Bevis, in Hamilton county, by Ross and Millville, to Stilwell, in Butler county. From Finley, in Hancock county, by Mount Blanchard, to Burlington, in Marion county. From Tiffin, in Seneca county, by York Centre, to North Ridge, in Sandusky county. From Finley, in Hancock county, by Big Spring, in Seneca county, McCutchinville and Mexico, in Crawford county, to Melmore, in Seneca county. From Lower Sandusky, by Rome, in the county of Seneca, and Risdon, to Finley, in the county of Hancock. From Bellefontaine, in Logan county, to Roundheadstown, in Hardin county, thence to Lima, in Allen county, thence to Kalida, in Putnam county, and to Sugar Grove. From Dayton, in Montgomery county, by Germantown and Jacksonborough, to Oxford, in Butler county. From Jefferson to Mechanicsburg. From Urbana to Sidney. From Sidney, by Waupakonetta, to Lima. From Toledo, in Lucas county, to Dundee. From Parkman, in Geauga county, to Auburn. From Lancaster, in Fairfield county, by Bremen and Bristol, to McConnellsville, in the county of Morgan. From Cadiz, in Harrison county, by Deersville, Shane's mills, to Port Washington, in Tuscarawas county. From Cambridge, in Guernsey county, to Plainfield, Coshocton county. From Saint Clairsville, in Belmont county, by Uniontown and Moorefield, to Freeport. From Rush to Port Washington, in Tuscarawas county. From New Washington, by New Birmingham, to PortWashington, in Tuscarawas county. From Millersburg, in Holmes county, by Shanesville, to Tuscarawas, in Tuscarawas county. From Jackson court-house, Ohio, by way of Simms's creek and Clark's mills, to Guyandotte, Virginia. From Carrollton, in Carroll county, by Pekin and Paris, in Stark county, to Randolph, in Portage county. From Finley to Kalida, in Putnam county. From Salem, by Lexington, New Baltimore, Midmay, Green, Manchester, Doylestown, Milton, Jackson, and Canaan, to Waynesburg, in Wayne county. From Fredericktown, in Knox county, to Bucyrus, in Crawford county. From New Hagerstown, by Kilgore, and Shober's mills, in Carroll county, to McCullough's, in Jefferson county. From Paris, in Stark county, by Brown's post office and New Harrisburgh, to Leesville, in Tuscarawas county. From Waynesburg, in Wayne county, by Perrysburg and Vermillion, to Paris, in Richland county. From Carrollton, in Carroll county, by Leavitt and New Cumberland, to New Philadelphia, in Tuscarawas county. From New Lancaster, by Baltimore, Grandville, and Homer, to Mt. Vernon. From Pickerington, in Fairfield county, by Waterloo, Winchester, Middletown, and Kennedy's store, to Circleville, in Pickaway county, Ohio. From New Richmond, via Knoxville, to the mouth of Big Yellow creek. From Canal Dover to Zoar. From Delaware, in Delaware county, via Rador, Big island, in Marion county, to Upper Sandusky. From Delaware, by Maysville and Milford, in Union county, to Urbana, in Champaign county. From Sunbury, in Delaware county, by Woodbury and Mount Gilead, in Marion county, to Leesville, in Richland county. From Reynoldsburgh, in Franklin county, by Hedley's mills, Plain four corners, Harlem, and Geneo, to Galena post office, in Delaware county. From Dublin, in Franklin county, up the west side of the Scioto, by Bell point, to Middleton, in Delaware county; thence to Big island, in Marion county. From Wilkesville, in Gallia county, by Salem, Salisbury, and Lebanon, in Meigs county, crossing the Ohio river near the mouth of Oldtown creek, to Ripley, in Jackson county, Virginia. From Bedford, in the county of Cuyahoga, by Northfield, Brandywine, Boston, Northampton, and Portage, to Akron, in the county of Portage. From Edwardsville, in Warren county, to Cuba, in Clinton county. From Fairview to Smyrna. From Freeport to Shotwell's mills, Shane's mills, Newport, and Waterford, to Eastport. From Minerva, in Stark county, by Franklin, Williamsport, Lexington, Mahoning post office, and Lima, to Atwater, in Portage county. From Chesterville, in Knox county, to Johnstown, in Licking county. From Decatur, in Ohio, to Maysville, in Kentucky. From Plato, in Lorraine county, to Wilhelm. From Bucyrus to Little Sandusky. From New Lisbon, in Columbiana county, to Hanoverton. From Wilmington, in Clinton county, via Cuba, Martinsville, and Lynchburg, to Hillsboro'. From Cedarville, in Brown county, to Cuba, in Clinton county. From Granger, in Medina county, by Sharon, to Wadsworth. From Baker's mills to Millbrook, in Wayne county, to Nashville, in Holmes county. From Saint Clairsville to Port Washington. From Grafton, in Lorraine county, to Lodi, in Medina county. From Athens to McConnellsville. From Edwardsville, in Warren county, to Cedarville, in Brown county. From Wooster to Perrysville, in Richland county. From Defiance, in Williams county, by Evansport, to Lafayette. From Grassy Point, by Charleston, to Springfield. From Akron, by Ravenna, in Portage county, to Warren, in the county of Trumbull, by Newton falls. From Winchester to West Union, in Adams county. From Canton, Stark county, by Sandy and North Georgetown, to Salem, in Columbiana county. From Petersburg, by Lima, Greenford, and New Albany, to Salem, in Columbiana county. From New Garden, by Bennett's cross roads, to Damascus, and from Damascus to Salem. From Wellsville, by Cope's mills and Croxton, to Scroggsfield. From New Hagerstown and West Chester, in Carroll county, to Cambridge, in Guernsey county. From New Lisbon, Columbiana county, by Clarkson and West Salem, to Beavertown, in Pennsylvania. From Russellville, in Brown county, to New Market, in Highland county. From New Lexington to Millfield. From New Richmond, by Coombe's store, Batavia, and Owenville, to Wilmington. From Kenton to Bucyrus. From Hebron, on the national road, to Lockbourne, in Franklin county. From Greenville, Ohio, by Huntington, to Goshen, Indiana.

IN LOUISIANA.

From Grand Gulf, in the State of Mississippi, via Lake Saint Joseph, New Carthage, Roundaway, Walnut and Bushy Bayou, to Milligan's bend, in the parish of Carroll. From Drew's landing, in the parish of Claiborne, to the Long prairie, in the Territory of Arkansas. From Opelousas, via Washington, Holmesville, Prairie Rouge, Bayou Rouge, and Deglaise, and Point Coupee, to Saint Francisville. From Lake Providence, in the parish of Carroll, via Monroe, Russellville, and Drew's landing, to the mouth of Loggy Bayou, on Red river. From Calcasieu, in Opelousas county, to Ballew's ferry, on Sabine river. From Harrisburg, in the parish of Cataheola, by Deer creek and the Bayou Macon, to Lake Providence, in the parish of Carroll. From Port Hudson, by Jackson, Clinton, and Greensburg, to intersect the Holmesville and New Orleans route at or near Colonel Edwards's. From William Faulkner's plantation to Donaldsonville. From Baton Rouge to Clinton. From Campti, by the Loggy Bayou, up Red river, to Coates's bluff; thence to the settlements on the Grand Cane, in the parish of Natchitoches.

IN INDIANA.

From Strawtown, in Hamilton county, to Kirk's cross roads, in Clinton county. From Martinsville, in Morgan county, via Lyon's mills, Mooresville, Danville, Alexander's tavern, and Lebanon, to Frankfort, in Clinton county. From Shelbyville, in Shelby county, via Manwaring's, on Sugar creek, Greenwood, Farwest, and Mooresville, to Monrovia, in Morgan county. From Noblesville, via Westfield, in Hamilton county, Northfield, Lebanon, Jamestown, and Russellville, to Montezuma, in Parke county. From Indianapolis to Mooresville. From Rising Sun, in Dearborn county, via Hartford, Guionville, Dillsborough, and Hart's mill, to Versailles, in Ripley county. From Napoleon, in Ripley county, via Harden's store, Wilmington, and Aurora, to Burlington, in Boone county, Kentucky. From Lawrenceburg, in Dearborn county, via Hubble's and McKenzie's cross roads, to Brookville, in Franklin county. From Harrison, in Dearborn county, via Edinburg, to Scipio, in Franklin county. From Napoleon, in Ripley county, via Versailles, Cross Plains, Vevay, and Ghent, to Georgetown, in Scott county, Kentucky. From Brookville, in Franklin county, via Sunman's, to Versailles, in Ripley county. From Knightstown, via Greensborough, to Pendleton. From Fort Wayne, via McCormick's, Noblesville and Allisonville, to Indianapolis. From Toledo, via Whitemansville, Lima, Bristol, Carrollton, Elkhart, Mishawaka, South Bend, Terre Coupee, Kankakee, Laporte, and Morgan's prairie, Indiana, to Juliet, in Illinois. From White Pigeon, in Michigan, via Bristol, to Elkhart, in Indiana. From the town of Elkhart, Indiana, via Adamsville, Cassapolis, Whitemansville, and Little Prairie, to Bronson, in Michigan. From Newtown, in Fountain county, via Rob Roy, Attica, Williamsport, Rainesville, and Parish's Grove, to Iroquois, in Illinois. From Indianapolis, via Danville, Bainbridge, Rockville, Montezuma, and Newport, to Danville, in Illinois. From Danville, in Hendricks county, via New Maysville, Bainbridge, Poplar spring, Blakesburg, and Russellville, to Rockville, in Parke county. From Rockville, in Parke county, via the narrows of Sugar creek and Jacksonville, to Hillsborough, in Fountain county. From Charlestown, Clark county, via Vienna, to the Slate ford, on the Muskatatack, to Rockford, Jackson county. From Brownstown, Jackson county, via Sage's ferry on the Muskatatack, to Charlestown, in Clark county. From Peru, in Miami county, to Fulton court-house, in Fulton county. From Evansville, in Vandeburg county, via Diamond Island, to Mount Vernon, in Posey county. From New Harmony, in Posey county, via Jesse Nashe's and Blair's mills, on Big creek, to Evansville, in Vaudeburg county. From New Albany, in Floyd county, via Georgetown, Salisbury, Milltown, Mount Prospect, Jasper, Petersburg, Princeton, and Columbia, to Mount Carmel, in Illinois. From Laporte, in Indiana, via Salt creek, Adela, Van Ness, on the Vincennes road, the head of Hickory creek, and down the same to Juliet, in Illinois. From Bloomington, in Monroe county, via Bloomfield, Fairplay, and New Jerusalem, in Greene county, Merom, in Sullivan county, via Hudsonville, Newtown, Ewington, in Illinois, to Vandalia. From Brownstown, Jackson county, via Vernon, to Marion, in Ripley county. From Greencastle, in Putnam county, via Manhattan, Bowling Green, and Point Commerce, to Bloomfield, in Greene county. From Mount Pleasant, in Martin county, via Scotland and Clark's prairie, to Bloomfield, in Greene county. From Napoleon, in Ripley county, to Lewisville, in Henry county, via Clarksburg, in Decatur county, New Salem and Smelson's mills, in Rush county. From Indianapolis, via Frankfort, Delphi, Monticello, Jasper, Lake court-house, Porter and Laporte counties, to Michigan city. From Leavenworth, in Crawford county, to Mount Prospect, in said county. From Kirk's cross roads, via Frankfort, Delphi, Monticello, and Laporte, to Michigan city. From Prairie river post office, in Branch county, Michigan, to Lima post office, in La Grange county, Indiana. From Burlington to Delphi. From Charlestown, in Clark county, via Sturdevant's store, to Salem, in Washington county. From Indianapolis, via Germantown, in Marion county, Pendleton, and Huntsville, in Madison county, to Strawtown, in Hamilton county. From Strawtown to Peru, in the county of Miami. From Bloomington, in Monroe county, via Baile's bridge, to Salem, in Washington county. From Mount Tabor, in Monroe county, to Stilesville, in Hendricks county. From Thorntown, in Boone county, to Kirk's cross roads, in Clinton county. From Carlisle, via Busron mills, Rawley's mill, to Bowling Green, Clay county. From Indianapolis, along the Cumberland road, to Terre Haute. From Richmond, via Newport and Winchester, to Fort Wayne. From Connersville, via Harrisburg, Louisville, and New Castle, to Munceytown. From Oxford, Ohio, via Bath springs, in Indiana, Fairfield, via West Union, Columbia, and Orange post office, in Fayette county, to Rushville. From Knightstown, via Greenborough, to Pendleton. From Grant court-house to Lagro, in Wabash county. From Peru and Sparta to Lima, in La Grange county. From Kirk's cross roads, via Frankfort and Jefferson, to Lafayette. From Fredonia to Mount Prospect, in Crawford county. From Eaton, in Ohio, New Boston, Abington, and Philomith, to Centreville, in Indiana. From Princeton, Indiana, to Mount Carmel, Illinois. From Mooresville, by Bridgeport, Clermont, Piketon, and Westfield, to Strawtown. From Martinsville to Gosport. From Peru, by Wilkinson's settlement, on Eel river, Rochester, Chippewa, Plymouth, and Oakland, to Laporte. From Greenville, Ohio, by Huntington, Indiana, Turkey creek prairie, to Goshen. From Strawtown to Logansport. From Fort Wayne, by Chippewa, to Ottawa. From Wabash, by Goshen, to Bristol. From White Pigeon, Michigan, to Pulaski, Indiana. From Burlington, Kentucky, by Rising Sun, Hartford, Dillsboro', and Hartville, to Versailles. From Lafayette, by Battle Ground, Pheasant run, Barnes, and Georgetown, to Logansport. From Crawfordsville to Rob Roy. From Crawfordsville, by Darlington, and Thornton, to Frankfort. From South Bend to Edwardsburg. From Michigan City, by Baileytown, Deep river, Robinson's prairie, and the crossings of Kankakee, to Peoria, Illinois. From Strawstown, by Camden, to Delphi. From Marion, by Lagro, to Goshen. From Fort Wayne, in Indiana, by Turkey creek prairie, to Ottawa, in Illinois. From Logansport to Goshen. From Madison, by Marion and Moore's tavern, to Napoleon.

IN MISSISSIPPI.

From Canton, via Warsaw, to Beattie's bluff. From Vicksburg, via Benton, Lexington, Blackhawk, Carrollton, Grenada, Coffeeville, Holly Spring, and Patawpha Court-house, via La Grange, to Bolivar, Tennessee. From Madisonville, via Canton, Montgomery, and Franklin, to Lexington, in Holmes county. From Memphis, via Holly Spring, Chulohomo, Mitchell's bluffs, Sardinia, Pharsalia, Fanning's store, Tillotoba, Tuscahama, Chocchuma, Point Veto, La Flore, Quiela, and Chulan, to Manchester. From La Grange, Tennessee, via Spring hill, Matthew's store, Forster's store, and Pontitoc, to Coffeeville. From Carrollton, via Shougola, Choctaw Court-house, Starksville, and Mayheu, to Columbus. From Livingston, to Alabama, via Suquancitchee valley, Lauderdale, and Scott Court-houses, and Brandon, to Jackson. From Pickensville, Alabama, via Warlock, and Macon, in Noxuba county, Mississippi, to Louisville, in Winston county. From Winchester, via Paulding, Garlandsville, Newton, and Neshoba Court-house, Louisville. From Paulding, via Smith Court-house, Westville, and Georgetown, to Gallatin. From Gallatin, via Holden's store, Hugh's store, and Malcolm, to Fayette. From Lexington, via Attala and Leake Court-house, to Scott Court-house. From Rodney, via Paine's store, to Selsertown. From Columbus, via Macon, Waholock, De Kalb, Lauderdale, and Clark Court-house, to Winchester. From De Kalb Court-house, in Kemper county, Mississippi, via Yanuaky, Oldtown, Mozelusha, and Kellings, to Scott Court-house, Mississippi. From Clinton, by Spring Branch and Summerville, to Satartia. From Fort Gibson, by Darwin, Shelby, Lloydsville, and Casey's store, to Raymond. From Jackson, Mississippi, to Memphis, Tennessee. From the Robertson road, by Leake Court-house, and Nashoba Court-house, to De Kalb. From De Kalb, by Fearn's Spring, Louisville, and Choctaw Court-house, to Chocchuma. From Augusta to the Bay of Biloxi. From Columbus to Westport. From Louisville, by Double Springs, to De Kalb. From Fairfield, Alabama, by Knowville, Waholock, Summerville, to Carthage. From Madisonville, by Attala Court-house, through Choctaw and Oke-ti-be-ha counties, Plymouth, to Columbus.

IN ILLINOIS.

From Pittsfield, in Pike county, by Greggsville and McKee's creek, to Rushville, in Schuyler county, and a post office on said route at Chambersburg, in Pike county. From Des Moines, in Clarke county, Missouri, to Warsaw, in Hancock county, Illinois; thence, via Carthage and Smith's store, to Monmouth, in Warren county. From Hennepin, in Putnam county, passing through Boyd's Grove, Spoon river, and Knoxville, to Venus, in Hancock county. From Carrollton, in Green county, to intersect the mail route leading from Springfield, in Sangamon county, to Vandalia, at Hillsboro, in Montgomery county, by the way of Fayette, in Green county, to Carlinville, in Macoupin county. From Springfield, in Sangamon county, to the Buffalo Hart Grove; thence to Georgetown; thence to Waynesville, Bloomington, and Lexington, in McLean county, Dresden, and Mount Juliet, to Chicago, in Cook county. From Laporte, in Indiana, via Hickory creek, Juliet, mouth of the Dupaige, Ausable, Nettle creek, and Grand Rapids of Illinois river, to Ottowa. From Beardstown, in Morgan county, to Petersburg, in Sangamon county. From Quincy, in Adams county, via Fairfield, to Carthage, Franklin, and Monmouth, in Warren county. From Mount Carmel, in Illinois, via Albion, Leach's mills, Fairfield, and Malding's mills, to Mount Vernon. From Montezuma, in Indiana, west, to Bloomfield, in Edgar county, Illinois. From Macomb, in McDonough county, via Saint Augustine, to Knoxville. From Crawfordsville, Indiana, via Newtown, Rob Roy, Williamsport, Warren post office, and Parish Grove, to Iroquois, in Illinois. From Alton, via Staunton, to Hillsboro'. From Paduca, in McCracken county, Kentucky, via Wilcox's ferry, to Frankfort, in Illinois. From Peoria, in Peoria county, to Knoxville, in Knox county. From Ottowa, Lasalle county, to Dixon's ferry, on Rock river. From Hennepin, in Putnam county, via Princeton and Windsor, to Rock island, on the Mississippi. From Terre Haute, in Indiana, to Paris, in Illinois, Decatur, Clear creek, Springfield, and Sylvan Grove, to Beardstown. From Michigan city, Indiana, to Juliet, in Cook county, Illinois, thence to Dixon's ferry, on Rock river, and thence to Savannah, on the Mississippi river. From New Boston, in Mercer county, via the Pine bluffs, in township sixteen north, of range five west, to Rock island. From Canton, in Fulton county, via Farmington, to Peoria, in Peoria county. From Chicago, via Meacham's Grove, Elgin, on the Fox river, Squaw prairie, on the Kishwaka, and Midway, on Rock river, to Galena. From Chicago, northwestwardly, to cross the Duplain river at Talcott's, via Elk Grove, to Fox river, at George McClure's. From Ottowa, in Lasalle county, up Fox river, until it intersects the State road from Chicago to Galena, at or near Pawpaw. From Lower Alton, via the head of Piasa creek, at Simmon's towns of Delaware, Greenfield, Athens, Brown's point, to Jacksonville. From Charleston, in Coles county, to the town of Greenup. From Frankfort, via Brownsville, Gill's ferry, on the Mississippi, to Jackson, Cape Girardeau county, in Missouri. From Danville, via Decatur, to Springfield. From Carrollton and Grafton, to Portage Des Sioux and Saint Charles, in Missouri. From Danville to Ottowa. From Princeton, in Putnam county, via Brigham's and Dimmick's grove, to the Pawpaw grove. From Bayville, Pike county, to Pittsfield. From Knoxville, via Henderson, White Oak grove, Cleveland, and mouth of Plumb river, to Galena. From Mount Carmel, in Wabash, to Maysville, in Clay county. From Fairfield, in Wayne county, to Salem, in Marion county. From Terre Haute, in Indiana, to Vandalia, in Illinois, along the national road. From McLeansboro', in Hamilton county, via Crouch's, to Malden's mills, in Wayne county. From Alton, on the State road to Carlinville, on the State road. From Carthage, Illinois, to Fort Madison, in Des Moines county, Michigan. From Carlisle, in Clinton county, via Greenville, to Hillsboro'. From Meredosia, in Morgan county, via Vandeventer, to Rushville. From Liberty, in Adams county, to Davidson's, Mount Sterling, and Rushville. From Logansport, Cass county, Indiana, to the seat of justice in Iroquois county, in Illinois. From Monmouth, in Warren county, to the Yellow banks, on the Mississippi. From Buffalo grove, in Joe Daviess county, to the mouth of Plumb river, on the Mississippi. From Mount Carmel to Lawrenceville. From Charleston, in Coles county, via Greenup, Newton, and Stringtown, to Lawrenceville, in Lawrence county. From Unity to the mouth of the Ohio river. From Jacksonville, via Havana, to Pekin. From Pleasant grove, in Tazewell county, via Pekin and Canton, to Lewistown, Fulton county. From Frankfort, via Bainbridge's store, to Jonesboro'. From Frankfort, via Whiteside's, to Golconda. From Unity to Smithfield, on the Mississippi. From Alton, via Terry's landing, on the Illinois river, to Gilead, in Calhoun county. From Belleville to Pinckneyville. From Mount Carmel, by Albion and Fairfield, to Salem. From Vandalia, by Hillsboro', to Carlinsville. From Jacksonville to Carlinsville. From Danville to Springfield. From Jacksonville, by Pittsfield, to Burnett's ferry. From Golconda, by Frankfort, to Mount Vernon. From St. Louis, Missouri, by Jacksonville, Beardstown, Rushville, Macomb, Monmouth, and Fort Armstrong, to Galena. From Chicago, by Ottawa, Utica, Peoria, Canton, Lewiston, and Rushville, to Quincy. From Carthage, by Commerce, to Fort Des Moines. From Richlandtown, by Burlington, to Macomb. From Stephenson to Davenport, Wisconsin Territory. From Kaskaskia, by Pollock's, to Belleville, and from Nashville to Mount Vernon. From Lawrenceville to Palestine. From Savanna, Illinois, to Bellevue, Wisconsin Territory.

IN ALABAMA.

From Columbiana, in the county of Shelby, via Mineral Springs, to Syllacogy, in Talladega county. From Jacksonville, in Benton county, to Bennetsville, in Saint Clair county. From Tuscaloosa, via Romulus, Mosely and Cook's store, to Pleasant Ridge post office, in Pickens county. From Livingston, in Sumpter county, via Horner's old store, Mount Sterling, McCarty's, and Carrollton, to Washington court-house, Washington county. From Mesopotamia, in Greene county, via Daniel's prairie and Jones's bluff, to Livingston, in Sumpter county. From Burnt Corn, Monroe county, via Godbold's old store, to Allentown, in Wilcox county. From Linden, in Marengo county, via Flat Settlement, Moscow, and Perryman's store, to Livingston, in Sumpter county. From Livingston, in Sumpter county, Alabama, to Marion, in Lauderdale county, Mississippi. From Manningham, in Butler county, to Mount Willing and Haynesville, in Lowndes county, thence to Washington, Autauga county. From Dallas, in Hamilton county, Tennessee, through the Lookout and Will's valleys, via Reason, Rollins, the seat of justice for De Kalb county, to Bennetsville, Saint Clair county, Alabama. From Monticello, in Pike county, to Tuskegee, in Macon county. From Calhoun, McMinn county, Tennessee, via Walker's place, McDaniel's, Richard Taylor's, Walker court-house, Georgia, William Henry's, Charles Price's, Dougherty's Mills, Chatooga, or Gaylesville, Smith's ferry, on Coosa river, Francis Adams, and Rawden's store, to Jacksonville, Benton county. From Knoxville, Greene county via Gainsville, in Sumpter county, to Narketa, Kemper county, Mississippi. From Fort Mitchell, via Roanoke post office, Stewart county, Georgia, Irwinton, in Barbour county, Alabama, to Fort Gaines, in Early county, Georgia (the mail to be carried on the west side of the Chattahoochee river.) From Uniontown, Perry county, via Athens, Bogue Chitto, to Portland, on Alabama river. From Monticello, in Pike county, to Daleville, in Dale county. From Rockford, in Coosa county, via Montreal, in Tallapoosa county, to Lafayette, in Chambers county. From Irwinton, on the Chattahoochee river, via Clayton, in Barbour county, to Mount Meigs, in Montgomery county. From Mount Willing, via Maule's store, to Benton, in Lowndes county. From Montgomery, along the Patsalaggo, road to the nearest point on the route running from Greenville, to Gaines's store, Pike county. From Mount Meigs, in Montgomery county, via Carter's store, to Haynesville, in Lowndes county. From La Grange, in Troup county, Georgia, vio Dickson's mills, Randolph court-house, to Talladega, in Talladega county, Alabama. From Haynesville, via Hickory grove, to the nearest point on the road from Montgomery to Patsalaggo, and from thence to the nearest point on the route from Monticello, in Pike county, to Gaines's store. From Vernon, in Troup county, Georgia, via Hurst's store, to Lafayette, in Chambers county, Alabama. From Jacksonville, Benton county, via White plains and Boiling springs, Randolph court-house, Lafayette, and Cassitah, to Gerard, thence to Columbus, Georgia. From Talladega court-house to Lafayette, in Chambers county. From West Point, in Troup county, Georgia, via Cassitah and Tallassee, to Wetumpka, in Montgomery county, Alabama. From Tuskegee, in Macon county, via Tuckabatchee, to Tallassee, in Tallapoosa county. From Greensboro' to Candy's landing, on the Black Warrior river. From Washington, Autauga county, via Kingston, Independence, Hamilton, Oak ridge, and Valley creek, to Marion, in Perry county. From Rockford, in Coosa county, via Chestnut creek, to Maplesville, in Bibb county. From Greenville, in Butler county, via Robb's store, to Sparta, thence to Pensacola, Florida. From Dale court-house to Valambrosa, in Florida. From Tallahassee, via Tuckabatchee, to Line creek post office. From Bellefonte, in Jackson county, via DeKalb court-house, and Cherokee court-house, to Jacksonville, Benton county. From Lafayette, in Chambers county, via Randolph court-house, crossing Tallapoosa river at Sawyer's ferry, via White plains, Jacksonville, in Benton county, thence crossing Coosa river at Walker's ferry, by Double spring, by Bennetsville, to Ashville, in Saint Clair county. From Greenville, in Butler county, via Fort Dale, to Hayneville, Lowndes county. From Tuscaloosa to Fairfield. From Mount Meigs to Irwinton. From Pickensville, by Macon and Louisville, to Winston court-house, Mississippi. From Portland, by Athens, to Uniontown. From Manningham to Mount Willing. From Newmarket, by Madison Springs, to Hazlegreen. From Rockford to Mardisville. From Columbus, Georgia, by Chambers court-house, Randolph court-house, and Benton court-house, to Huntsville. From Salida, by Cahawba, Pleasant hill, and Bragg's store, to Greenville. From Jacksonville, in Benton county, Alabama, to Rome, in Georgia. From Cahawba, by Marion, to Centreville.

IN MICHIGAN.

From Marshall, by way of Lyon lake and West Gerard, to Coldwater. From Elkhart, in Indiana, to Cossapolis, via Adamsville, and Edwardsburg. From Niles to New Buffaloe, via Hudson. From Battle creek to the county seat of Eaton county, via Verona and Bellevue. From Detroit to Lapeer, via Rochester. From Saline to Grass Lake, via Columbia Lake and Richfield. From St. Clair to Grand Blanc, via Romeo, Bristol, Lapeer, Farmer's creek, and Davison's mills. From Detroit to Fort Gratiot, on the United States road, via Mount Clemens. From Pontiac to Ionia, via White Lake, to the county seat of Clinton. From Toledo to Adrian, by Blissfield and Palmyra. From Ypsilanti to Pontiac, via Plymouth. From Adrian to Ionia, via Jonesville and Marshall. From Manhattan to Adrian. From Marshall to Coldwater, via Tekonsha. From Detroit, in Wayne county, to Fort Gratiot, in Saint Clair county, on the United States military road. From Mount Clemens, in Macomb county, to Lapeer, in Lapeer county. From Plymouth, in Wayne county, to Dexter, in Washtenaw county, through Salem, Northfield, and Webster. From Monroe, in Monroe county, to Tecumseh, in Lenawee county, on the La Plaisance bay road. From Toledo, in Monroe county, to Adrian, in Lenawee, through Whiteford and Palmyra. From Maumee, in Ohio, to Jonesville, in Hillsdale county, through Whiteford, Canandagua, and Lanesville. From Saline, in Washtenaw county, to London, in Monroe county, through York. From Detroit, in Wayne county, to Utica, in Macomb county, on the territorial road. From Detroit, in Wayne county, to Kent, in Kent county, by Howell's. From Clinton, in Lenawee county, to Kent, in Kent county, by Napoleon and Jacksonburg. From Coldwater, in Branch county, to St. Joseph, in Berrien county, by Centreville and Cassapolis. From Kalamazoo, in Kalamazoo county, to Kalamazoo, in Allegan county, by Allegan. From Battle creek, in Calhoun county, to Kent, in Kent county, by Geloster. From Ann Arbour, in Washtenaw county, to Pontiac, in Oakland county, by Whitmore's Lake, Green Oak, Lyon, and Wall Lake. From Battle creek, in Calhoun county, to Schoolcraft, in Kalamazoo county, by Climax prairie. From Bellevue, in Eaton county, to Middle village, in Barry county, by Hastings. From Fort Defiance, in Ohio, to Adrian, in Lenawee county, by Canandagua. From Michigan city, in Indiana, to Grand Haven, in Ottawa county, by New Buffalo, St. Joseph, Kalamazoo, in Allegan county, to Saugatuck, in Ottawa county. From Ionia, in Ionia county, to Saginaw, in Saginaw county, by the mouth of Maple river. From Schoolcraft, in Geloster, by Kalamazoo, in Kalamazoo county.

From Saginaw, by Mackinac, to the Sault St. Marie. From Saginaw to the mouth of the river Saginaw. From Kalamazoo, in Kalamazoo county, to the mouth of North Black river. From Grand river rapids to Grand Haven. From Kalamazoo to the mouth of the South Black river. From Northfield, by Hamburgh, to Howell. From New Buffalo, Michigan, to Laporte, Indiana. From Adrian by Hillsdale, to Coldwater. From Marshall, via Johnson, Athens, and Durham, to White Pigeon. From Kalamazoo to Kent. From Ann Arbour to Ionia.

IN FLORIDA.

From Marianna to Daleville, Alabama. From Marianna to Saint Joseph's. From Pensacola, by Floridatown, Pittman's ferry, to Campbellton.

IN ARKANSAS.

From the mouth of Arkansas river, via mouth of White river, Helena, and mouth of Saint Francis, up the west bank of the Mississippi river, to Greenock, and the county seat of Mississippi county, to New Madrid, in Missouri. From Pine bluffs, by Cabean's, to Monroe, in Louisiana. From Columbia, Ecore a Fabre, to Washington, in Hempstead county. From Batesville, by Clinton, to Lewisburg, and from Clinton, by Glass's village, to Dardanelle, in Pope county. From the county seat, in Izard county, to Dardanelle, and from thence, by the county seat of Scott, to Zebulon, county seat of Pike, and thence to Washington, Hempstead county. From Washington to Miller court-house, and from thence, on the south side of Red river, to Lafayette court-house. From Carrollton to Springfield, in Missouri.

IN MISSOURI.

From Columbia, by Roacheport, Boonville, and Jonesboro', to Lexington. From Columbia, by Younger's mills, Paris, Richard Sharp's, to Palmyra. From Jefferson City, by Versailles, Benton court-house, Equality, Springfield, to Carroll court-house, in Arkansas. From Benton court-house, by the county seat of Rives and Allensville, to the county seat of Van Buren, and from thence, by the county seat of Johnson, to Saint Helena. From Jefferson City to Waynesville. From the county seat of Crawford, by Massey's iron works, to Union, in Franklin county. From Greenville to Castor, and thence by Johnson's, in the West prairie, to the Grand prairie, in Stoddard county. From Caledonia, in Washington county, by Van Buren, in Ripley county, to Jackson, in Arkansas Territory. From Jonesboro', by Arrow rock, to Fayette. From Saint Genevieve to Farmington. From the county seat of Morgan to the county seat of Pulaski. From Springfield to the county seat of Barry. From Keytesville to Compton's store, on Grand river. From Fulton, by James Harrison's, in the Grand prairie, to Paris. From Jefferson City to Columbia. From Columbia, by Rock mills, to Nashville, in Boone county. From Jefferson City, by Portland, to Loutre island. From Huntsville, by the county seat of Shelby and Cooper's settlement, to Monticello. From Fulton, by Portland, to Mount Sterling. From McMurtry's, in Callaway county, by Thomas Harrison's, in the Grand prairie, to Huntsville. From Johnson court-house, by Blackwater settlement, to Lexington. From Hannibal, by Florida, Paris, and Huntsville, to Fayette. From Louisiana to Atlas, Illinois. From Old mines, in Washington county, by the Rich woods and Virginia, to Union. From Benton to Commerce. From Bowling Green, by Bandurant's and Cove spring, to Florida. From Bolivia, by the cross roads, to Fredericktown. From Monticello, in Lewis county, westwardly, to Sandy hill. From Richmond to Compton's store, on Grand river. From Liberty to Plattsburg. From Helena to Benton court-house. From Columbus, Kentucky, by Benton, Jackson, Fredericktown, Farmington, Caledonia, seats of justice of Crawford, Pulaski, and Pettis counties, to Blackwater, and thence to Independence. From Boonville, by the seat of justice of Pettis county, to the seat of justice in Johnson county. From Springfield to Pulaski court-house, Crawford court-house, Massie's iron works, to Union. From Jefferson City, by Mount Sterling, to Crawford court-house. From Castor to Greenville. From Castor, by Grand prairie, in Stoddart county.

IN WISCONSIN.

From Macomb, county of McDonough, Illinois, by Burlington, to Mount Pleasant, Des Moines county. From Racine, on Root river, by the outlet of Lake Koskenong and Mineral point, to Cassville. From Richlandtown to Burlington, thence to Monmouth, Illinois. From Milwaukee to the outlet of Lake Koskenong. From Galena, via Sinsinawa mound, Sinsinawa post office, Gibraltar, Van Buren, Cassville, and Prairie du Chien, to Fort Snelling. From Bellevue to Galena, Illinois. From Mineral point, by way of T. J. Parish's, to the English prairie. From Galena, Illinois, by way of White Oak springs, Gratiot's Grove, and Wiosta, McNutt's, Diggin's, and Wisconsin city, to intersect the Root river and Cassville route. From Coldwater, in Branch county, to Michigan city, in the State of Indiana, via Centreville, Constantine, Mottville, Bristol, Elkhart, Mishawaulkie, South Bend, and Laporte. From Jacksonburg to White Pigeon, via Spring Arbor, Concord, Homer, Tekonsha, Goodwinville, Durham, Notiawa, and Centreville. From Warsaw, Illinois, by Keokuck, Fort Des Moines, Fort Madison, Gibson's ferry, Burlington, Iowa, Clark's ferry, Davenport, Parkhurst, Bellevue, Du Buque, Peru, Derango, Weyman's, Cassville, and Prairie du Chien, to Fort Snelling. From Du Buque, by Sinsinawa and Blast Furnace, to Elk grove. From Mineral point, by Dodgeville and Helena, to Arena. From Galena, by Vinegar hill, Elk Grove, and Bellemont, to Mineral point. From Fort Winnebago, by Fond du Lac, Calumeh village, to Grand Kalkalin. From Chicago, by Pike river, Racine, Milwalky, Chebawgan, Pigeon, Manlitowack, to Green bay. From Wisconsin to the city of the Four Lakes, by Fond du Lac, and the city of Winnebago, at the northeast end of Lake Winnebago, to a point of intersection with the route from Prairie du Chien to Green bay. From Fond du Lac, at the south end of Lake Winnebago, to Milwaukee. From Milwaukee, by the city of the Four Lakes, to the Blue mound, there to intersect the route from Green Bay to Prairie du Chien.

Post Routes Discontinued.

MAINE.

From Camden to Vinal haven.

OHIO.

From Waupakonetta to Sugar Grove. From Piqua to Waupakonetta.

SOUTH CAROLINA.

From Mount Hill to Varennes. From Stauntonville, by Golden Grove, to Greenville court-house.

Approved, July 2, 1836.

[No. 66.]—AN ACT to promote the progress of useful arts, and to repeal all acts and parts of acts heretofore made for that purpose.

Be it enacted, &c. That there shall be established and attached to the Department of State, an office to be denominated the Patent Office; the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be, under the direction of the Secretary of State, to superintend, execute, and perform all such acts and things touching and respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements, as are herein provided for, or shall hereafter be, by law, directed to be done and performed, and shall have the charge and custody of all the books, records, papers, models, machines, and all other things belonging to said office. And said Commissioner shall receive the same compensation as is allowed by law to the Commissioner of the Indian Department, and shall be entitled to send and receive letters and packages by mail, relating to the business of the office, free of postage.

Sec. 2. *And be it further enacted,* That there shall be, in said office, an inferior officer, to be appointed by the said principal officer, with the approval of the Secretary of State, to receive an annual salary of seventeen hundred dollars, and to be called the Chief Clerk of the Patent Office: who, in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of Commissioner during such vacancy. And the said Commissioner may also, with like approval, appoint an examining clerk, at an annual salary of fifteen hundred dollars; two other clerks at twelve hundred dollars each, one of whom shall be a competent draughtsman; one other clerk at one thousand dollars; a machinist at twelve hundred and fifty dollars; and a messenger at seven hundred dollars. And said Commissioner, clerks, and every other person appointed and employed in said office, shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been, or may hereafter be, granted.

Sec. 3. *And be it further enacted,* That the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation, truly and faithfully to execute the trust committed to him. And the said Commissioner and the chief clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and for all other moneys received by virtue of said office.

Sec. 4. *And be it further enacted*, That the said Commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, papers, or drawings, belonging to the said office, under the signature of the said Commissioner, or, when the office shall be vacant, under the signature of the chief clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers, or drawings, could be evidence. And any person making application therefor, may have certified copies of the records, drawings, and other papers deposited in said office, on paying for the written copies the sum of ten cents for every page of one hundred words; and for copies of drawings, the reasonable expense of making the same.

Sec. 5. *And be it further enacted*, That all patents issuing from said office shall be issued in the name of the United States, and under the seal of said office, and be signed by the Secretary of State, and countersigned by the Commissioner of said office, and shall be recorded, together with the descriptions, specifications, and drawings, in the said office, in books to be kept for that purpose. Every such patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

Sec. 6. *And be it further enacted*, That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement, or any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not, at the time of his application for a patent, in public use or on sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application in writing to the Commissioner of Patents, expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, he shall fully explain the principle and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references where the nature of the case admits of drawings, or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor and attested by two witnesses, shall be filed in the Patent Office; and he shall moreover furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall also make oath or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent, and that he does not know or believe that the same was ever before known or used; and also of what county he is a citizen; which oath or affirmation may be made before any person authorized by law to administer oaths.

Sec. 7. *And be it further enacted*, That, on the filing of any such application, description, and specification, and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale with the applicant's consent or allowance prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country, as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him, briefly, such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office, a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant in such case shall persist in his claim for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid. And if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of a board of examiners, to be composed of three disinterested persons, who shall be appointed for that purpose by the Secretary of State, one of whom at least to be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture, or branch of science to which the alleged invention appertains; who shall be under oath or affirmation for the faithful and impartial performance of the duty imposed upon them by said appointment. Said board shall be furnished with a certificate in writing of the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented. And the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting, that they may have an opportunity of furnishing them with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the Commissioner to furnish to the board of examiners such information as he may possess relative to the matter under their consideration. And on an examination and consideration of the matter by such board, it shall be in their power, or of a majority of them, to reverse the decision of the Commissioner, either in whole or in part, and, their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however*, That before a board shall be instituted in any such case, the applicant shall pay to the credit of the Treasury, as provided in the ninth section of this act, the sum of twenty-five dollars, and each of said persons so appointed shall be entitled to receive for his services in each case a sum not exceeding ten dollars, to be determined and paid by the Commissioner out of any moneys in his hands, which shall be in full compensation to the persons who may be so appointed, for their examination and certificate as aforesaid.

Sec. 8. *And be it further enacted*, That whenever an application shall be made for a patent which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act; and the like proceedings shall be had to determine which or whether either of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention, by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published at any time within six months next preceding the filing of his specification and drawing. And, whenever the applicant shall request it, the patent shall take date from the time of the filing of the specification and drawings, not however exceeding six months prior to the actual issuing of the patent; and, on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office until he shall furnish the model, and the patent be issued, not exceeding the term of one year, the applicant being entitled to notice of interfering applications.

Sec. 9. *And be it further enacted*, That before any application for a patent shall be considered by the Commissioner as aforesaid, the applicant shall pay into the Treasury of the United States, or into the Patent Office, or into any of the deposite banks to the credit of the Treasury, if he be a citizen of the United States, or an alien, and shall have been resident in the United States for one year next preceding, and shall have made oath of his intention to become a citizen thereof, the sum of thirty dollars; if a subject of the King of Great Britain, the sum of five hundred dollars; and all other persons the sum of three hundred dollars; for which payment duplicate receipts shall be taken, one of which is to be filed in the office of the Treasurer. And the moneys received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent fund.

Sec. 10. *And be it further enacted*, That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might, by virtue of this act, be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs at law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the sixth section of this act shall be so varied as to be applicable to them.

Sec. 11. *And be it further enacted*, That every patent shall be assignable in law, either as to the whole interest, or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right under any patent to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the United States, shall be recorded in the Patent Office within three months from the execution thereof, for which the assignee or grantee shall pay to the Commissioner the sum of three dollars.

Sec. 12. *And be it further enacted*, That any citizen of the United States, or alien who shall have been a resident in the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat, setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right, till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposite the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice, by mail, to the person filing the caveat of such application, who shall, within three months, after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claims interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications: *Provided, however*, That no opinion or decision of any board of examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court in any action in which its validity may come in question.

Sec. 13. *And be it further enacted*, That whenever any patent which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification as his own invention more than he had or shall have a right to claim as new, if the error has, or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor, for the same invention, for the residue of the period then unexpired for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators, or assignees. And the patent so re-issued, together with the corrected description and specification, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form, before the issuing of the original patent. And whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as hereinbefore provided, have the same annexed to the original description and specification; and the Commissioner shall certify, on the margin of such annexed description and specification, the time of its being annexed and recorded; and the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification.

Sec. 14. *And be it further enacted*, That whenever, in any action for damages for making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment for any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case, in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignees, or as grantees of the exclusive right within and throughout a specified part of the United States.

Sec. 15. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act, and any special matter in evidence, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by plaintiff does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the Public, or that the patentee was not the original and first inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it had been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use, or on sale, with the consent and allowance of the patentee, before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the Public, on reasonable terms, the invention or discovery for which the patent issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge, or use of the thing patented, he shall state, in his notice of special matter, the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases judgment shall be rendered for the defendant, with costs: *Provided, however*, That, whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent, believed himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country, it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication: *And provided, also,* That, whenever the plaintiff shall fail to sustain his action on the ground that in his specification of claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award as to costs as may appear to be just and equitable.

Sec. 16. *And be it further enacted,* That, whenever there shall be two interfering patents, or whenever a patent, on application, shall have been refused on an adverse decision of a board of examiners, on the ground that the patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent, either by assignment or otherwise, in the one case, and any such applicant in the other case, may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void, in the whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interest which the parties to such suit may possess in the patent, or the inventions patented, and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority, of right, or invention shall in any such case be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: *Provided, however,* That no such judgment or adjudication shall affect the rights of any person except the parties to the action, and those deriving title from or under them subsequent to the rendition of such judgment.

Sec. 17. *And be it further enacted,* That all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court; which courts shall have power upon bill in equity filed by any party aggrieved, in any such case, to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the United States, on such terms and conditions as said courts may deem reasonable: *Provided, however,* That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of circuit courts, and in all other cases in which the court shall deem it reasonable to allow the same.

Sec. 18. *And be it further enacted,* That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published, in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of the patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years. And the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented, to the extent of their respective interest therein: *Provided, however,* That no extension of a patent shall be granted after the expiration of the term for which it was originally issued.

Sec. 19. *And be it further enacted,* That there shall be provided for the use of said office, a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers therein, to be purchased under the direction of the Committee of the Library of Congress. And the sum of fifteen hundred dollars is hereby appropriated, for that purpose, to be paid out of the Patent fund.

Sec. 20. *And be it further enacted,* That it shall be the duty of the Commissioner to cause to be classified and arranged, in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and of fabrics and other manufactures and works of art, patented or unpatented, which have been, or shall hereafter be, deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

Sec. 21. *And be it further enacted,* That all acts and parts of acts heretofore passed on this subject be, and the same are hereby, repealed: *Provided, however,* That all actions and processes in law or equity, sued out prior to the passage of this act, may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting and saving the application to any such action of the provisions of the fourteenth and fifteenth sections of this act, so far as they may be applicable thereto: *And provided, also,* That all applications or petitions for patents, pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof.

Approved, July 4, 1836.

[No. 67.]—AN ACT to regulate the compensation of certain officers of Revenue Cutters.

Be it enacted, &c. That in lieu of pay, rations, and all other allowances now authorized by law to the captains, and first, second, and third lieutenants of the revenue cutters of the United States, there shall be allowed and paid, quarterly, from and after the passage of this act, to each captain, at the rate of twelve hundred dollars per annum; to each first lieutenant, at the rate of nine hundred and sixty dollars per annum; to each second lieutenant, at the rate of eight hundred and sixty dollars per annum; to each third lieutenant, at the rate of seven hundred and ninety dollars per annum.

Approved, July 2, 1836.

[No. 68.]—AN ACT to re-organize the General Land Office.

Be it enacted, &c. That from and after the passage of this act, the executive duties now prescribed, or which may hereafter be prescribed by law, appertaining to the surveying and sale of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States.

Sec. 2. *And be it further enacted,* That there shall be appointed in said office, by the President, by and with the advice and consent of the Senate, two subordinate officers, one of whom shall be called Principal Clerk of the Public Lands, and the other Principal Clerk on Private Land Claims, who shall perform such duties as may be assigned to them by the Commissioner of the General Land Office; and in case of vacancy in the office of the Commissioner of the General Land Office, or of the absence or sickness of the Commissioner, the duties of said office shall devolve upon and be performed, ad interim, by the Principal Clerk of the Public Lands.

Sec. 3. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, an officer to be styled the Principal Clerk of the Surveys, whose duty it shall be to direct and superintend the making of surveys, the returns thereof, and all matters relating thereto, which are done through the offices of the Surveyor General; and he shall perform such other duties as may be assigned to him by the Commissioner of the General Land Office.

Sec. 4. *And be it further enacted,* That there shall be appointed by the President, by and with the consent of the Senate, a Recorder of the General Land Office, whose duty it shall be, in pursuance of instructions from the Commissioner, to certify and affix the seal of the General Land Office to all patents for public lands, and he shall attend to the correct engrossing and recording and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land Office, as the Commissioner may from time to time direct.

Sec. 5. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, an officer to be called the Solicitor of the General Land Office, with an annual salary of two thousand dollars, whose duty it shall be to examine and present a report to the Commissioner of the state of facts in all cases referred by the Commissioner to his attention which shall involve questions of law, or where the facts are in controversy between the agents of the Government and individuals, or there are conflicting claims of parties before the Department, with his opinion thereon; and also to advise the Commissioner, when required thereto, on all questions growing out of the management of the public lands, or the title thereto, private land claims, Virginia military scrip, bounty lands, and pre-emption claims; and to render such further professional services in the business of the department as may be required, and shall be connected with the discharge of the duties thereof.

Sec. 6. *And be it further enacted,* That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint a Secretary, with a salary of fifteen hundred dollars per annum, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

Sec. 7. *And be it further enacted,* That it shall be the duty of the Commissioner to cause to be prepared, and to certify, under the seal of the General Land Office, such copies of records, books, and papers, on file in his office, as may be applied for, to be used in evidence in courts of justice.

Sec. 8. *And be it further enacted,* That whenever the office of Recorder shall become vacant, or in case of the sickness or absence of the Recorder, the duties of his office shall be performed, ad interim, by the Principal Clerk on Private Land Claims.

Sec. 9. *And be it further enacted,* That the Receivers of the land offices shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such moneys pursuant to his instructions. And they shall also make to the Commissioner of the General Land Office like monthly returns, and transmit to him quarterly accounts current of the debits and credits of their several offices with the United States.

Sec. 10. *And be it further enacted,* That the Commissioner of the General Land Office shall be entitled to receive an annual salary of three thousand dollars; the Recorder of the General Land Office, an annual salary of fifteen hundred dollars; the principal clerk of the surveys, an annual salary of eighteen hundred dollars; and each of the said principal clerks, an annual salary of eighteen hundred dollars, from and after the date of their respective commissions; and that the said Commissioner be authorized to employ, for the service of the General Land Office, one clerk, whose annual salary shall not exceed fifteen hundred dollars; four clerks, whose annual salary shall not exceed fourteen hundred dollars each; sixteen clerks, whose annual salary shall not exceed thirteen hundred dollars each; twenty clerks, whose annual salary shall not exceed twelve hundred dollars each; five clerks, whose annual salary shall not exceed eleven hundred dollars each; thirty-five clerks, whose annual salary shall not exceed one thousand dollars each; one principal draughtsman, whose annual salary shall not exceed fifteen hundred dollars; one assistant draughtsman, whose annual salary shall not exceed twelve hundred dollars; two messengers, whose annual salary shall not exceed seven hundred dollars each; three assistant messengers, whose annual salary shall not exceed three hundred and fifty dollars each; and two packers, to make up packages of patents, blank forms, and other things necessary to be transmitted to the district land offices, at a salary of four hundred and fifty dollars each.

Sec. 11. *And be it further enacted,* That such provisions of the act of the twenty-fifth of April, in the year one thousand eight hundred and twelve, entitled "An act for the establishment of a General Land Office in the Department of the Treasury," and of all acts amendatory thereof, as are inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Sec. 12. *And be it further enacted,* That from the first day of the month of October, until the first day of the month of April, in each and every year, the General Land Office and all the bureaus and offices therein, as well as those in the Departments of the Treasury, War, Navy, State, and General Post Office, shall be open for the transaction of the public business at least eight hours in each and every day, except Sundays, and the twenty-fifth day of December; and from the first day of April until the first day of October, in each year, all the aforesaid offices and bureaus shall be kept open for the transaction of the public business at least ten hours, in each and every day, except Sundays and the fourth day of July.

Sec. 13. *And be it further enacted,* That if any person shall apply to any register of any land office to enter any land whatever, and the said register shall knowingly and falsely inform the person so applying that the same has already been entered, and refuse to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying for five dollars for each acre of land which the person so applying offered to enter to be recovered by action of debt in any court of record having jurisdiction of the amount.

Sec. 14. *And be it further enacted,* That all and every of the officers whose salaries are hereinbefore provided for, are hereby prohibited from directly or indirectly purchasing, or in any way becoming interested in the purchase of the public land; and in case of a violation of this section by such officer, and on proof thereof being made to the President of the United States, such officer, so offending, shall be forthwith removed from office.

Approved, July 4, 1836.

[No. 69.]—AN ACT in addition to the act entitled "An act making appropriations in part for the support of Government for the year eighteen hundred and thirty-six, and for other purposes.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated: For compensation granted by law to the members of the Senate and House of Representatives, in addition to the appropriation heretofore made for that object, seventy-two thousand two hundred and sixteen dollars; for compensation of the Senators and Representatives elected by Michigan, seven thousand seven hundred and seventy-six dollars; for the contingent expenses of Senate, twelve thousand dollars; for allowance for wastage in gold and silver coinage at the Mint, for labor and for alloy, in addition to the former appropriation, thirty-three thousand dollars; for extra clerk hire in the General Land Office for the year eighteen hundred and thirty-six, fourteen thousand six hundred and sixty-six dollars and sixty-four cents; for messengers in the offices of the Chief Engineer, Adjutant General, the Commanding General, Surgeon General, and Inspector General, and in the Clothing Bureau, Topographical, Ordnance, and Subsistence Departments, two thousand five hundred and sixty-eight dollars; for the assistant messenger in the First Comptroller's office, in addition to a former appropriation, fifty dollars; for compensation to the Surveyor in Alabama, in addition to a former appropriation, five hundred dollars; for compensation to the clerks in the office of the Secretary of the Navy, and in the Navy Commissioners' Office, in addition to the sums already appropriated for the present year, nineteen hundred dollars.

Sec. 2. *And be it further enacted,* That so much of the act of the ninth May, eighteen hundred and thirty-six, "providing for the salaries of certain officers therein named, and for other purposes," as provides for the employment of an additional clerk in the office of the Navy Commissioners, and for his compensation for the year eighteen hundred and thirty-six, be, and the same is hereby, repealed.

Sec. 3. *And be it further enacted,* That the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year one thousand eight hundred and thirty-five is hereby repealed; and that the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-six, according to the importations of that year, as they would have been entitled to receive if the act of the fourteenth of July, one thousand eight hundred and thirty-two had not gone into effect: *Provided,* That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two; and that in no case shall the compensation of any other officers than collectors, naval officers, surveyors, and clerks, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum; nor shall the union of any two or more of those offices in one person entitle him to receive more than that sum per annum: *Provided, further,* That the said collectors, naval officers, and surveyors, shall render an account quarterly to the Treasury, and the other officers herein named, or referred to, shall render an account quarterly to the respective collectors of the customs, where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received, and of all expenses incidental to their respective offices; which accounts shall be rendered on oath or affirmation, and shall be in such form, and be supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect: *Provided, also,* That any salary or compensation due for the year one thousand eight hundred and thirty-five, shall not be affected by this section: *Provided, however,* That in the event of any act being passed by Congress at the present session to regulate and fix the salaries or compensations of the respective officers of the customs, then this section shall operate and extend to the time such act goes into effect, and no longer.

Sec. 4. *And be it further enacted,* That the following sums are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for interpreters, guards, and other expenses incidental to the Consulates in the Turkish Dominions, five thousand five hundred dollars. For refunding the duty paid upon the Belgian vessel Antonius and her cargo, beyond the amount which would have been paid by a Dutch vessel, fourteen hundred and twenty-six dollars and seven cents. For compensation to the clerks in the office of the Commissioner of Indian Affairs, in addition to a former appropriation, fifty dollars. For an outfit of a Charge d'Affaires to Russia, four thousand five hundred dollars. For compensation to the third Assistant Postmaster General, one thousand two hundred and fifty dollars. For compensation to the clerks, messengers, and watchmen in the Post Office Department, as provided by the act to change the organization of the said Department, in addition to the sum heretofore appropriated for compensation to the clerks and messengers in the office of the Postmaster General, four thousand and fifty dollars. For compensation to the Auditor for the Post Office Department, one thousand five hundred dollars. For compensation to the clerks and messengers in the office of the Auditor for the Post Office Department, as provided by the act to change the organization of said Department, twenty-seven thousand seven hundred and fifty dollars. For contingencies in the office of the Auditor for the Post Office Department, fifteen hundred dollars. For alteration and repairs of the Capitol, including repairs of the roof over the principal stairway to the Representatives Hall, and coppering the projecting steps and top surface of the cornice round the base of the dome of the Rotunda six thousand three hundred and eighteen dollars and seventy-five cents. For lighting lamps, and keeping the grounds and walks of the Capitol square in order, including the cost of trees and shrubs, four thousand five hundred dollars. For the gardener employed in superintending the Capitol square and other public grounds, one thousand dollars. For alterations and repairs of the President's House, for the gardener's salary, and for keeping the grounds and walks in order, including the cost of trees and shrubs, three thousand four hundred and sixty dollars. For the annual expenses of two fire engines, two hundred dollars. For gravelling the yard east of the Capitol, two thousand dollars. For repairing culverts, two hundred and thirty-one dollars. For purchase of Smith's spring, including one acre of land, and for enclosing the same, for building culverts, and keeping the water pipes in order, five thousand three hundred dollars. For attendants on the furnaces of the Rotundo during the recess, one hundred and fifty dollars. For replanting trees and keeping boxes in order on the Pennsylvania Avenue, purchase of trees and planting in Fountain square, Lafayette square, and across the public reservation at Seventh street, one thousand two hundred dollars. For a workshop, one thousand two hundred dollars. For conveying the surplus water of the Capitol to the Botanic garden, making a basin, and purchasing a fountain of Hiram Powers, five thousand dollars.

For enclosing the garden and grounds of the magazine and marine hospital near the Eastern Branch, five hundred dollars. For a dwarf wall and fence between the executive buildings and the President's house, one thousand one hundred and sixty-five dollars and fifty cents. For extending the Capitol square and improving the grounds within and adjacent to the same as far west as the first street intersecting Pennsylvania Avenue from the east, the sum of twenty-five thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated. For enlarging the folding room of the House, three hundred and fifty dollars.

Sec. 5. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to cause to be erected, on or near the site of the former Treasury building, or any other public lot which he may select, a fire-proof building of such dimensions as may be required for the present and future accommodations of the Treasury Department, upon such plan and of such materials as he may deem most advantageous; and that for this purpose there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars.

Sec. 6. *And be it further enacted,* That the material of which the walls of the Capitol and President's mansion are constructed shall be adopted for the construction of the aforesaid building: *Provided,* upon full inquiry, a cheaper and more suitable material cannot be obtained: *And provided, always,* That the foundation walls of the said building, below the surface of the earth and two feet above, shall be of the hardest and most solid rock.

Sec. 7. *And be it further enacted,* That there be erected on some appropriate site, under the direction of the President of the United States, a fire-proof building, with suitable accommodations for the Patent Office, and to be provided with the necessary cases and furniture; the expense of which shall not exceed one hundred and eight thousand dollars.

Sec. 8. *And be it further enacted,* That there be and hereby is appropriated, for defraying the expense of such building and cases, the sum of one hundred and eight thousand dollars, to be paid out of the Patent fund in the Treasury not otherwise appropriated.

Sec. 9. *And be it further enacted,* That the same kind of material of which the walls of the Capitol and the mansion of the President are constructed shall be adopted for the construction of the aforesaid building: *Provided,* A cheaper and more suitable material cannot be procured.

Sec. 10. *And be it further enacted,* That the duties and powers of the Commissioners of the Sinking Fund are hereby suspended until revived by law, and the records of the commissioners be transferred to the custody of the Secretary of the Treasury, who is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, any outstanding debts of the United States, and the interest thereon.

Sec. 11. *And be it further enacted,* That, for the purchase of eight acres of land, with the improvements thereon, near the barracks at Key West, if in the opinion of the Secretary of War the public service and health of the troops require it, a sum not exceeding six thousand dollars is hereby appropriated.

Sec. 12. *And be it further enacted,* That so much of the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-five," as provides that "the whole number of custom-house officers in the United States on the first day of January, eighteen hundred and thirty-four, shall not be increased until otherwise allowed by Congress," be, and the same is hereby, suspended until the fourth day of March next.

Approved, July 4, 1836.

[No. 70.]—AN ACT supplementary to an act entitled "An act to regulate the deposites of the public money," passed twenty-third June, eighteen hundred and thirty-six.

Be it enacted, &c. That nothing in the act to which this is a supplement, shall be so construed as to prevent the Secretary of the Treasury from making transfers from banks in one State or Territory to banks in another State or Territory, whenever such transfers may be required, in order to prevent large and inconvenient accumulations in particular places, or in order to pro-

duce a due equality and just appropriation, according to the provisions of said act.

Approved, July 4, 1836.

[No. 71.]—AN ACT to carry into effect in the States of Alabama and Mississippi the existing compacts with those States in regard to the five per cent. fund and the school reservations.

Be it enacted, &c. That a sum equivalent to five per cent. of the nett proceeds of the lands within the State of Mississippi, ceded by the Chickasaws by the treaty of the twentieth of October, eighteen hundred and thirty-two, which have been, or may hereafter be, sold by Congress, shall be, and is hereby, reserved, out of any moneys in the Treasury not otherwise appropriated, to be applied in the same manner, and for the same uses and purposes, as is designated by the fifth section of the act of Congress of the first of March, eighteen hundred and seventeen.

Sec. 2. *And be it further enacted,* That there shall be reserved from sale, in the State of Mississippi, a quantity of land, equal to one thirty-sixth part of the lands ceded by said Chickasaws as aforesaid, within said State of Mississippi, which land shall be selected, under the direction of the Secretary of the Treasury, in sections, or half-sections, or quarter-sections, out of any public lands remaining unsold, that shall have been offered at public sale within either of the land districts in said State of Mississippi, contiguous to said lands within said State, so ceded by the Chickasaws as aforesaid; which lands, when so selected as aforesaid, the same shall vest in the State of Mississippi, for the use of schools within said territory in said State, so ceded as aforesaid by the Chickasaws; and said lands, thus selected, shall be holden by the same tenure, and upon the same terms and conditions, in all respects, as the said State now holds the lands heretofore reserved for the use of schools in said State.

Sec. 3. *And be it further enacted,* That a sum equivalent to five per cent. of the nett proceeds of the lands within the State of Alabama, ceded by the Chickasaws by the treaty aforesaid, which have been, or may hereafter be, sold by Congress, shall be, and is hereby, reserved, out of any moneys in the Treasury not otherwise appropriated, to be applied in the same manner, and for the same uses and purposes, as is designated by the sixth section of the act of Congress of the second of March, eighteen hundred and nineteen.

Sec. 4. *And be it further enacted,* That there shall be reserved from sale in the State of Alabama, a quantity of land equal to one thirty-sixth part of the lands ceded by the Chickasaws as aforesaid, within said State of Alabama, which land shall be selected under the direction of the Secretary of the Treasury, in sections, or half-sections, or quarter-sections, out of any public lands remaining unsold that shall have been offered at public sale within any land district in said State of Alabama, contiguous to said lands within said State, so ceded by the Chickasaws as aforesaid; which lands, when so selected, as aforesaid, the same shall vest in the State of Alabama, for the use of schools within said territory in said State, so ceded, as aforesaid, by the Chickasaws; and said lands, thus selected, shall be holden by the same tenure, and upon the same terms and conditions, in all respects, as the said State now holds the lands heretofore reserved for the use of schools in said State.

Approved, July 4, 1836.

[No. 72.]—AN ACT to authorize the appointment of additional Paymasters, and for other purposes.

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized and empowered to appoint three additional paymasters, to be attached to the Pay Department of the Army: *Provided,* That the appointments be submitted to the Senate for their confirmation, in the same manner as other officers of the Army.

Sec. 2. *And be it further enacted,* That the officers appointed in virtue of this act shall perform the same duties, and receive the same pay and allowances as the present paymasters of the Army; and shall, in like manner, be subject to the rules and articles of war; and, previous to entering upon the duties of their office, shall give such bonds to the United States as the Secretary of War may direct for the faithful performance of their duties.

Sec. 3. *And be it further enacted,* That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to assign to any officer of the Army the duty of paymaster, who, while so assigned, shall perform the same duty, give the same bond, be subject to the same liability, and receive the same emoluments as are now provided for paymasters of the Army: *Provided, however,* That the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers: *And provided, also,* That the whole emoluments of the said officers, including their pay and allowances in the line, shall not exceed the pay and emoluments of a paymaster.

Sec. 4. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized and empowered to appoint three additional surgeons and five assistant surgeons, to be attached to the medical staff of the Army.

Sec. 8. *And be it further enacted,* That, during the absence of the Quartermaster General, or the chief of any other military bureau of the War Department, the President be authorized to empower some officer of the Department or corps whose chief is absent, to take charge thereof, and to perform the duties of Quartermaster General or chief of the department or corps, as the case may be, during such absence: *Provided,* That no additional compensation be allowed therefor.

Sec. 6. *And be it further enacted,* That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of the present session, and of each succeeding session, to prepare and publish a statement of all appropriations made during the session, and also a statement of the new officers created, and the salaries of each, and also a statement of the offices, the salaries of which are increased, and the amount of such increase.

Approved, July 4, 1836.

[No. 73.]—AN ACT confirming claims to land in the State of Louisiana.

Be it enacted, &c. That the decisions in favor of land claimants made by the register and receiver of the land office in New Orleans, under date the first of December, eighteen hundred and thirty-five, by virtue of an act entitled "An act for the final adjustment of claims to land in the State of Louisiana," which have been laid before Congress at the present session by the Secretary of the Treasury, be, and the same are hereby, confirmed, with the exception of the claims of Narcisse Carmouche, Julie Alexandre, and Martin Major, Nicholas Bara, and Francis Menard, saving and reserving, however, to all adverse claimants the right to assert the validity of their claims in a court of justice.

Approved, July 4, 1836.

[No. 74.]—AN ACT to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines.

Be it enacted, &c. That so much of the several acts of Congress as imposes a discriminating duty upon goods, wares, and merchandise imported in foreign vessels be, and hereby is, suspended, so far as respects the produce or manufactures of Portugal proper, including Madeira, Porto Santo, and the Azores, when imported in vessels wholly and truly belonging to the subjects or citizens of said places; so that such produce or manufactures shall be subject to the same duties only as if imported in vessels of the United States: *Provided, however,* And this suspension shall continue no longer than this section remains in force.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of July, eighteen hundred and thirty-six, the duty on all kinds of wine imported into the United States shall be reduced one-half, so that no more than one-half the amount now assessed shall be thereafter assessed.

Sec. 3. *And be it further enacted,* That all kinds of wine, whether imported before or after the passage of this act, may be put into the custom-house stores, under the bond of the importer or owner; and such of the said wines as shall remain under the control of the proper officer of the customs, on the thirtieth day of July, one thousand eight hundred and thirty-six, shall be subject to no other duty than if the same were imported after that day; and if the duties, or any part thereof, on the wines deposited as aforesaid shall have been paid previous to the said thirtieth day of July, one thousand eight hundred and thirty-six, the amount of excess of duty shall be refunded to the person importing and depositing the same: *Provided,* That no wines shall be so deposited unless in the casks or bottles as imported: *And provided, further,* That the benefit of this act shall not be extended to any wines not entitled to debenture.

Approved, July 4, 1836.

[No. 75.]—AN ACT for the purchase of certain rights or inventions of William H. Bell, of North Carolina.

Be it enacted, &c. That the Secretary of the Treasury be hereby authorized to pay to Captain William H. Bell, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars, whenever said Bell shall transfer and convey to the United States all his, said Bell's, right, interest, and title, in and to two certain patents, viz. one called a machine for elevating heavy cannon, the other called a traverse board for pointing cannon; together with all the right to the United States to use every improvement that has been made by said Bell on the said inventions since patenting the same: *Provided, however,* The said sum of twenty thousand dollars shall be in full for all claims against the United States for using said patents.

Approved, July 4, 1836.

[No. 76.]—AN ACT confirming claims to land in the State of Missouri, and for other purposes.

Be it enacted, &c. That the decisions in favor of land claimants, made by the Recorder of land titles in the State of Missouri, and the two commissioners associated with him by virtue of an act entitled "An act for the final adjustment of private land claims in Missouri," approved July ninth, eighteen hundred and thirty-two, and an act supplemental thereto, approved March second, eighteen hundred and thirty-three, as entered in the transcript of decisions transmitted by the said recorder and commissioners to the Commissioner of the General Land Office, and by him laid before Congress at the two last and present sessions, be, and the same are hereby, confirmed, saving and reserving, however, to all adverse claimants, the right to assert the validity of their claims in a court or courts of justice: *Provided,* That nothing in this act contained shall apply to, or be in confirmation of, the claim of Don Carlos D. Villemont, for a tract of land at Point Chicot: *And provided, also,* That nothing in this act contained shall apply to, or be in confirmation of, the following claims, to wit: Manuel Lisa, six thousand arpens; J. Coontz, and Hempstead, four hundred and fifty arpens; Matthew Saucier, one thousand two hundred arpens; Charles Tayon, one thousand six hundred arpens; sons of Joseph M. Pepen, five thousand six hundred arpens; Louis Lorimiere, thirty thousand arpens; Bartholomew Cousin, ten thousand arpens; Manuel Gonzales Moro, eight hundred arpens; Seneca Rollins, four hundred arpens; William Long, four hundred arpens; James Journey, four hundred arpens; Joachim Lisa, six thousand arpens; Francois Lacomb, four hundred arpens; Israel Dodge, seven thousand and fifty-six arpens; Andrew Chevallier, four hundred arpens; Joseph Silvain, two hundred and fifty arpens; John P. Cabanis, two thousand arpens; William Hartly, six hundred and fifty arpens; William Morrison, seven hundred and fifty arpens; Solomon Bellew, three hundred and fifty arpens; Paschal Detchmendez, seven thousand fifty-six arpens; Baptiste Aunuze, two hundred and forty arpens; Alexander Maurice, four hundred arpens; Jean Baptiste Valle, twenty thousand arpens; Israel Dodge, one thousand arpens; Walter Fenwick, ten thousand arpens; John T. Smith, ten thousand arpens; and Mackey Wherry, sixteen hundred arpens.

Sec. 2. *And be it further enacted,* That if it shall be found that any tract or tracts confirmed as aforesaid, or any part thereof, had been previously located by any other person or persons under any law of the United States, or had been surveyed and sold by the United States, this act shall confer no title to such lands in opposition to the rights acquired by such location or purchase; but the individual or individuals whose claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase, on any unappropriated land of the United States within the State of Missouri or Territory of Arkansas, in whichever the original claim may be, that may be subject to entry at private sale: *Provided,* That such location shall conform to legal divisions and subdivisions, and shall not interfere with the rights of other persons.

Sec. 3. *And be it further enacted,* That the locations authorized by this act shall be entered with the register of the proper land office, who shall, on application for that purpose, make out for such claimant a certificate of location, which, with the certificate of confirmation, shall be transmitted to the Commissioner of the General Land Office; and if it shall appear to the satisfaction of the said Commissioner that such certificate shall have been fairly obtained, according to the true intent and meaning of this act and the laws of the United States, then, and in that case, patents shall be granted in like manner as is provided by law for the other lands of the United States. And for each certificate of location to be issued as aforesaid, the register shall be entitled to receive from the person applying therefor the sum of one dollar.

Approved, July 4, 1836.

[No. 77.]—AN ACT to repeal so much of the act of March second, seventeen hundred and ninety-nine, as respects the issuing of certificates on the importation of wines.

Be it enacted, &c. That so much of the act of Congress passed second March, seventeen hundred and ninety-nine, as requires that the surveyor or chief officers of inspection of any port where wines may be landed, shall give to the proprietor, importer, or consignee thereof, or his or her agent, a certificate, as mentioned in the fortieth and forty-first sections of said act, is hereby repealed.

Approved, July 4, 1836.

[No. 78.]—AN ACT granting half pay to widows and orphans where their husbands or fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes.

Be it enacted, &c. That when any officer, non-commissioned officer, musician, or private of the militia, including rangers, sea fencibles, and volunteers, shall have died while in the service of the United States, since the twentieth of April, eighteen hundred and eighteen, or who shall have died in consequence of a wound received whilst in the service, since the day aforesaid, and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death or receiving such wound, for and during the term of five years; and in case of the death or marriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the said decedent: *Provided,* That the half pay aforesaid shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the regular army, and no more: *Provided, also,* That no greater sum shall be allowed to the widow, or the child or children of any officer than the half pay of a lieutenant colonel.

Sec. 2. *And be it further enacted,* That if any officer, non-commissioned officer, musician, soldier, Indian spy, mariner or marine, whose service during the revolutionary war was such as is specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," have died since the fourth day of March, eighteen hundred and thirty-one, and before the date of said act, the amount of pension which would have accrued from the fourth day of March, eighteen hundred and thirty-one, to the time of his death, and become payable to him by virtue of that act, if he had survived the passage thereof, shall be paid to his widow; and if he left no widow, to his children, in the manner prescribed in the act hereby amended.

Sec. 3. *And be it further enacted,* That if any person who served in the war of the Revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," have died leaving a widow whose marriage took place before the expiration of the last period of his service, such widow shall be entitled to receive, during the time she may remain unmarried, the annuity or pension which might have been allowed to her husband, by virtue of the act aforesaid, if living at the time it was passed.

Sec. 4. *And be it further enacted,* That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any money or half pay granted by this act, shall be utterly void and of no effect; each person acting for and in behalf of any one, entitled to money under this act, shall take and subscribe an oath, to be administered by the proper accounting officer, and retained by him and put on file, before a warrant shall be delivered to him, that he has no interest in said money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

Sec. 5. *And be it further enacted,* That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States shall prescribe.

Approved, July 4, 1836.

[No. 79.]—AN ACT making appropriations for the improvement of certain harbors therein mentioned, for the year one thousand eight hundred and thirty-six.

Be it enacted, &c. That for the security of the navigation and commerce of the United States, the following sums of money be, and the same are hereby, directed to be paid out of any money in the Treasury not otherwise appropriated, and placed at the disposition of the President, for the following objects, viz.

STATE OF MAINE.

For erecting a breakwater on Stanford Ledge, in Portland harbor, according to the plan reported by John Anderson, of the Engineer Corps, in the year eighteen hundred and thirty-two, ten thousand dollars.

For the survey of a ledge near Owl's-head harbor, to determine the expediency of erecting thereon a breakwater to improve said harbor, four hundred dollars.

For the examination and survey of the passage into Cobscook bay, in the State of Maine, for the purpose of ascertaining the practicability of removing two ledges, whereby the navigation of said bay is materially obstructed, three hundred dollars.

STATE OF NEW HAMPSHIRE.

For the deepening of the channel of the Cocheco branch of the Piscataqua river, leading into Dover harbor, five thousand dollars.

STATE OF MASSACHUSETTS.

For the improvement of the harbor at the mouth of Bass river, ten thousand dollars and forty-one cents.

For removing the wreck in the harbor of New Bedford, ten thousand dollars.

For the construction of a breakwater at Sandy bay, agreeably to the report of a survey made by direction of the Department of War, transmitted to Congress by the President, April twenty-third, eighteen hundred and thirty, ten thousand dollars.

For preserving the point of land leading to the fort and lighthouse at the Gurnet, in Duxbury, by hurdles or double ranges of piles, five thousand dollars.

For the preservation of Rainsford island, in the harbor of Boston, fifteen thousand dollars.

STATE OF RHODE ISLAND.

For a breakwater at Church's Cove harbor, in the town of Little Compton, ten thousand dollars, agreeably to a survey made by Lieut. Colonel Anderson, of the United States Topographical Engineers, in eighteen hundred and twenty-seven.

STATE OF CONNECTICUT.

For improving the harbor of Saybrook, by removing the bar at the mouth of Connecticut river, twenty thousand dollars.

For the improvement of the harbor of Westport, agreeably to the report of John Anderson, of the Engineer Corps, three thousand dollars.

For a sea-wall to preserve Fairweather island, near Black Rock harbor, ten thousand dollars.

For securing the public works at the harbor of Southport, one thousand five hundred dollars.

For securing the beach at Cedar point, in Connecticut, one thousand dollars.

For deepening the channel of the river Thames, leading into Norwich harbor, ten thousand dollars.

STATE OF VERMONT.

For building a breakwater or pier at the harbor of Burlington, ten thousand dollars.

For deepening the channel to eight feet, between the islands of North and South Hero, near Saint Alban's, in Lake Champlain, in Vermont, fifteen thousand dollars.

STATE OF NEW YORK.

For the improvement of the harbor of Portland, on Lake Erie, ten thousand dollars.

For improvement of the harbor at the mouth of Salmon river, on Lake Ontario, according to the several plans of said harbor, submitted through the Department of War, five thousand dollars.

For the improvement of the harbor at the mouth of Oak Orchard creek, on Lake Ontario, according to the plan thereof, made by Joseph G. Swift, civil engineer, five thousand dollars.

For the improvement of the harbor at the mouth of Black river, in the county of Jefferson, five thousand dollars.

For building a breakwater or pier at the harbor of Plattsburg, ten thousand dollars.

For improving the harbor at the mouth of Cattaraugus creek, on Lake Erie, fifteen thousand dollars.

For improving the entrance of Whitehall harbor, on Lake Champlain, eight thousand dollars.

For building an ice-breaker on Staton island, nineteen thousand five hundred dollars.

STATE OF NEW JERSEY.

For improving the harbor at New Brunswick, by removing the obstructions in the Raritan river, according to a plan reported to the War Department by Hartman Bache, seven thousand dollars.

For the protection and improvement of Little Egg Harbor, according to the plan reported to the War Department, five thousand dollars.

For a survey of Crow Shoal, in Delaware bay, to ascertain the expediency of constructing a breakwater or artificial harbor, one thousand dollars.

STATE OF PENNSYLVANIA.

For repairs at the harbor of Chester, three thousand dollars.

For removing the bar in the river Delaware, in the neighborhood of Fort Mifflin, with the view of improving the harbor of Philadelphia, fifteen thousand dollars.

STATE OF DELAWARE.

For improving the harbor of Wilmington, by removing the bar at the mouth of Christiana river, according to the plan recommended by Hartman Bache, of the Engineer Corps, fifteen thousand dollars.

STATE OF MARYLAND.

For deepening the harbor of Baltimore, twenty thousand dollars.

For a survey of the head waters of Chesapeake bay, pursuant to a resolution of the Legislature of Maryland, five hundred dollars.

STATE OF VIRGINIA.

For a survey of James river, with the view of improving the harbor of Richmond, five hundred dollars.

For improving the navigation of the natural channels at the northern and southern entrances of the Dismal Swamp canal, fifteen thousand dollars.

STATE OF NORTH CAROLINA.

For removing a sand shoal in Pamlico river, five thousand dollars, by means of the dredging machine now in operation at Ocracock inlet.

For removing the oyster shoal in New river, in Onslow county, by means of the dredging machine now in operation in the collection district of Wilmington, five thousand dollars.

To improve the harbor of Beaufort, five thousand dollars.

STATE OF SOUTH CAROLINA.

For a survey of the bar and harbor at Georgetown, one thousand dollars.

STATE OF GEORGIA.

For the removal of the Brunswick bar, with a view of improving the harbor of Brunswick, ten thousand dollars.

STATE OF OHIO.

For constructing two piers and improving the navigation at the mouth of Vermilion river, ten thousand dollars, according to the plan reported to the War Department.

STATE OF INDIANA.

For the construction of a harbor at Michigan city, according to the plan reported to the War Department, twenty thousand dollars.

STATE OF LOUISIANA.

For increasing the depth of water in the mouth of the Mississippi river, by closing some of the passages leading out of it, or by cutting a ship channel, or by any other means which shall be deemed expedient by the Secretary of War, with the approbation of the President of the United States, seventy-five thousand dollars; the said sum to be expended in whole or in part, as may be thought proper by the War Department, after the necessary survey shall have been made.

STATE OF MISSOURI.

For a pier to give direction to the current of the Mississippi river near the city of St. Louis, fifteen thousand dollars.

For the survey of Saint Francis, Black, and White rivers, in Arkansas and Missouri, to determine upon the expediency of removing the natural rafts thereon, one thousand dollars.

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For removing a mud shoal, called the Bulk Head, in the channel from East Pass to Appalachicola, ten thousand dollars.

TERRITORY OF MICHIGAN.

For the construction of a pier or breakwater at the mouth of the river Saint Joseph, twenty thousand dollars.

TERRITORY OF WISCONSIN.

For the survey of the mouth of the Milwaukee river, on Lake Michigan, to determine the practicability of making a harbor by deepening the channel, four thousand dollars.

Sec. 2. *And be it further enacted,* That the reports upon all the aforesaid surveys shall contain a statement of all such facts within the knowledge of the engineers respectively making the surveys as are or may be in any way materially connected with the proposed improvements, and also with estimates, in detail, of the sums of money necessary for such improvements respectively.

Approved, July 4, 1836.

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